



The Journal OF THE *House of Representatives*

Number 3

Tuesday, March 14, 2006

The House was called to order by the Speaker at 9:00 a.m.

Prayer

The following prayer was offered by Pastor Larry Millender of Abundant Life Fellowship World Outreach Center, upon invitation of Rep. Kendrick:

Most gracious Heavenly Father, we come before You today with hearts of humility and genuine sincerity. We are so grateful for Your grace and blessings that You have so lavishly bestowed upon us here in America. We live in a land of plenty. We enjoy the bounty of abundance, yet we find ourselves in situations and circumstances that are beyond our own ability, our own control and resolve and restore. We ask of You this day that You will turn Your face toward us as we come to You in this most important time that we now embrace as a nation.

Lord, we as a people are in need of Your touch, Your guidance, and Your favor as we have never needed it before. Our nation aches with the pains of despair and division that have wreaked havoc upon us in so many ways. Father, we have been torn apart because of the issues that face us. We have sown to the wind and have reaped the whirlwind. We labor, yet we are not filled, and we realize that only You can bring true contentment to us. We realize today that without You we are nothing, and without You we can do nothing.

You have instructed us that if we would humble our hearts and pray, and turn from our wicked ways, that You would hear from heaven, and that You would heal our land. Lord, our land is in desperate need for a divine visitation that will bring us to a greater awareness of our continual reliance and dependence upon You.

Lord God, we beseech You today from the depths of our heart, that You will visit us in these perilous times in which we are living. Father, we pray today for our various local, state, and national leaders that govern us and rule over us. All of these leaders who preside here today are appointed of You, for You raise up one and bring down another, as the heart of the king is in the hand of the Lord. Give us men and women of integrity and uprightness whose hearts are set on pleasing You and obeying You. Give us leaders as King David who had a heart after Your own heart.

Our request of You today is that You graciously grant us and grant each leader over us a heart to do what is right and not to fulfill their own agenda. We ask that You would grant them the spirit of wisdom and revelation in the knowledge of You, that the eyes of their understanding would be enlightened that they may know and follow Your will and Your plan. We ask that You strengthen them with might by Your spirit in the inner man and that each would stand firm in their convictions and be led by Your spirit.

Father, once again, we thank You for the privilege that we have of being able to come boldly to the throne of grace to obtain mercy and find grace to

help in our time of need. So we speak a good word of benediction and blessing upon these, Your people, as we look unto You to direct our pathways today. And for all that You have done and continue to do, we give You the glory and the honor and the praise. Amen.

The following members were recorded present:

Session Vote Sequence: 665

Speaker Bense in the Chair.

Adams	Davis, M.	Jennings	Proctor
Allen	Domino	Johnson	Quinones
Altman	Farkas	Jordan	Reagan
Anderson	Fields	Joyner	Rice
Arza	Flores	Justice	Richardson
Ausley	Galvano	Kendrick	Rivera
Baxley	Gannon	Kravitz	Robaina
Bean	Garcia	Kreegel	Ross
Bendross-Mindingall	Gardiner	Kyle	Rubio
Bense	Gelber	Legg	Russell
Benson	Gibson, A.	Littlefield	Ryan
Berfield	Gibson, H.	Llorente	Sands
Bogdanoff	Glorioso	Lopez-Cantera	Sansom
Bowen	Goldstein	Machek	Seiler
Brandenburg	Goodlette	McInvale	Simmons
Brown	Gottlieb	Meadows	Slosberg
Brutus	Grant	Mealor	Smith
Bucher	Greenstein	Murzin	Sobel
Bullard	Grimsley	Needelman	Sorensen
Cannon	Harrell	Negron	Stansel
Carroll	Hasner	Patterson	Taylor
Coley	Hays	Peterman	Traviesa
Cretul	Henriquez	Pickens	Vana
Culp	Holloway	Planas	Waters
Cusack	Homan	Poppell	Williams
Davis, D.	Hukill	Porth	Zapata

(A list of excused members appears at the end of the *Journal*.)

A quorum was present.

Pledge

The members, led by the following, pledged allegiance to the Flag: Anna Betha of Shalimar at the invitation of Rep. Sansom; Jonah Cleveland of Panama City at the invitation of the Speaker; Morgan Fess of Lake Mary at the invitation of Rep. Hukill; Stephen A. Green of Winter Garden at the invitation of Rep. Antone; and Ralph E. "Hunter" Kelly III of Lynn Haven at the invitation of the Speaker.

House Physician

The Speaker introduced Dr. R. Scott Hanson of Tallahassee, who served in the Clinic today upon invitation of Rep. Ausley.

Correction of the *Journal*

The *Journal* of March 9 was corrected and approved as corrected.

Motions

On motion by Rep. Goodlette, the Clerk was allowed to make technical and clerical changes to the House Rules adopted on March 7.

On motion by Rep. Goodlette, HCR 7057, which was read the second time by title and amended on March 7, now pending adoption (as previously shown in the *Journal* on pages 6-9, March 7), was laid on the table.

Motion to Adjourn

Rep. Rubio moved that the House adjourn for the purpose of receiving reports, holding council and committee meetings, and conducting other House business, to reconvene at 11:15 a.m., Wednesday, March 15, or upon call of the Chair. The motion was agreed to.

Cosponsors

HB 11—Flores, Zapata

HB 29—Zapata

HJR 31—Zapata

HB 37—Farkas, Jennings

HB 61—Zapata

HB 65—Smith

HB 81—Zapata

HB 87—Culp, Slosberg, Vana

HB 105—Greenstein, Kendrick, Sansom, Zapata

HB 119—Bullard, Flores, Quinones, Robaina, Roberson, Ryan

HB 121—Sansom

HB 127—Zapata

HB 139—Sansom

HB 141—Garcia

HB 145—Glorioso, Goldstein, Grant, Pickens, Sansom

HB 155—Goldstein, Sansom

HB 167—Sansom

HB 175—Porth

HB 177—Roberson

HB 179—Sansom

HB 183—Zapata

HB 195—Zapata

HB 199—Baxley

HB 201—Sansom

HB 209—Negron, Sansom

HJR 213—Flores, Goldstein, Traviesa

HB 217—Carroll

HB 219—Sansom

HB 221—Zapata

HB 241—Sobel

HB 255—Kendrick

HB 259—M. Davis

HB 267—Zapata

HB 271—Adams, Zapata

HB 317—Goldstein, Sansom

HB 355—Goldstein, Sansom, Zapata

HB 387—Attkisson, Cretul, Rivera, Zapata

HB 415—Stargel

HB 453—Zapata

HB 469—Bucher, Glorioso

HB 471—Robaina

HB 527—Porth

HB 533—Porth

HB 535—Culp

HM 541—Berfield

HB 599—McInvale, Traviesa

HB 619—Porth

HB 625—Bucher, Porth, Ryan, Sands, Slosberg

HB 649—Sansom

HB 665—Ross, Stargel, Traviesa

HB 709—Porth

HB 735—Williams

HB 835—Goldstein

HB 869—Robaina

HM 887—Proctor

HB 915—Proctor, Zapata

HB 947—Reagan

HB 963—Robaina

HB 1021—Justice

HB 1027—Williams

HB 1035—Kendrick, Sansom

HB 1073—Gottlieb, Porth, Ryan, Slosberg, Sobel

HB 1199—Kreegel

HB 1227—Brutus, Harrell

HB 1251—A. Gibson

HB 1283—Hasner

HB 1339—H. Gibson, Kendrick, Rivera

HB 1349—Slosberg

HB 1363—Goldstein, Robaina

HB 1365—Kendrick, Sobel

HB 1423—Sobel

HB 1427—Brutus, Gannon, A. Gibson, Gottlieb, Richardson

HB 1489—Farkas, Goodlette, Sansom

HB 1525—Kendrick

HB 1563—Baxley

HB 1615—Goldstein

HJR 7037—Pickens

HCR 8005—Bendross-Mindingall, Bullard, Clarke, Cusack, Farkas, Garcia, Greenstein, Kendrick

Withdrawals as Cosponsor

HB 915—Zapata

HB 1199—Quinones

Cosponsors of Combined Bills

HCB 6001 (for HBs 117, 477)—Anderson

Introduction and Reference

By Representative Domino—

HB 1631—A bill to be entitled An act relating to the Village of North Palm Beach, Palm Beach County; designating a portion of State Road A1A within the village as Jack Nicklaus Drive; authorizing and directing the village to change street signs and markers, mailing addresses, and 911 emergency telephone system listings and to erect signs and markers accordingly; providing an effective date.

Proof of Publication of the required notice was attached.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Cretul—

HB 1633—A bill to be entitled An act relating to the Alachua County Housing Authority; amending chapter 71-526, Laws of Florida; providing that the Alachua County Commission may appoint two alternate members to the Alachua County Housing Authority; providing that the Alachua County Housing Authority is not a dependent special district; providing severability; providing an effective date.

Proof of Publication of the required notice was attached.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Transportation Committee; Representative Sansom—

HJR 7093—A joint resolution proposing an amendment to Section 11 of Article VII of the State Constitution to authorize issuance in the manner provided by general law of general obligation bonds for state capital projects for transportation facility improvements.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Transportation Committee; Representative Sansom—

HB 7095—A bill to be entitled An act relating to transportation financing; creating s. 215.606, F.S.; providing legislative findings; authorizing issuance of state bonds to finance or refinance the costs of acquiring real property or the rights to real property for state transportation infrastructure or to finance or refinance repair and replacement of bridges; requiring legislative authorization; providing that the bonds are secured by the full faith and credit of the state; providing for transfer of funds for debt service; providing for issuance of the bonds by the Division of Bond Finance under the State Bond Act; providing for certification of the projects by the Department of Transportation; limiting the amount of the bonds issued and debt service requirements; providing for the terms of the bonds to be set by the division in consultation with the department based on certain factors; providing for use of the bond proceeds; providing a contingent effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Community Colleges & Workforce Committee; Representative Patterson—

HB 7097—A bill to be entitled An act relating to postsecondary education; amending s. 1001.44, F.S.; authorizing an articulation agreement for delivery of associate in applied science degree programs by career centers; providing requirements for use of the designation "technical college"; providing a definition; amending s. 1002.34, F.S.; providing for a charter technical career center to use the designation "technical college"; providing a definition; amending s. 1007.22, F.S.; revising provisions relating to establishment of interinstitutional mechanisms by public postsecondary educational institutions; amending s. 1007.23, F.S.; revising components of the statewide articulation agreement; revising terminology; requiring the State Board of Education to establish articulated career paths for specific professions; requiring career paths to provide credit for certain programs and experiential learning; amending s. 1009.50, F.S.; authorizing certain students in postsecondary career certificate programs to receive Florida public student assistance grants; creating s. 1009.521, F.S.; creating the GED Success Scholarship Program; providing for administration; providing for the award of scholarships from appropriated funds; providing eligibility criteria; providing for transmittal of funds to eligible institutions; providing for reporting; providing for rulemaking; creating s. 1011.802, F.S.; establishing the School District Career Center Facility Enhancement Challenge Grant Program; authorizing a school district direct-support organization to solicit funds and establish a separate career center capital facilities matching account for private contributions for instructional facility construction projects; providing for match by state appropriations; providing for a portion of the cost of a facility construction project to be provided from a school district's local capital funds; providing State Board of Education requirements relating to capital outlay budget requests for such projects; providing for reversion of funds; requiring the Office of Program Policy Analysis and Government Accountability to assess articulation agreements and identify career center programs that may articulate to certain degree programs; requiring recommendations; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Judiciary Committee; Representative Simmons—

HB 7099—A bill to be entitled An act relating to land trusts; amending s. 689.071, F.S.; providing a short title; providing definitions; revising provisions relating to land trust transfers of real property and vesting of ownership in a trustee; deleting a requirement that a trustee be qualified to act as a fiduciary; deleting obsolete references to "dower" and "curtesy"; specifying rights, liabilities, and duties of land trust beneficiaries; providing that the principal residence of a beneficiary which is held in a land trust may be entitled to the homestead tax exemption; providing for the appointment of successor trustees; providing requirements for declarations of appointment; providing that a trustee of a land trust may be a creditor of the trust or of a trust beneficiary; amending s. 201.02, F.S.; conforming a cross-reference; providing application; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Transportation Committee; Representative Evers—

HB 7101—A bill to be entitled An act relating to regulation of residential manufactured buildings; providing for transfer of regulatory authority from the Department of Community Affairs to the Department of Highway Safety and Motor Vehicles; authorizing interagency agreements to facilitate the transfer; providing for transfer of certain rules from the Department of Community Affairs and the Florida Building Commission to the Department of Highway Safety and Motor Vehicles; providing for the validity of judicial and administrative actions; creating s. 320.870, F.S.; providing a short title; creating s. 320.871, F.S.; providing definitions; creating s. 320.872, F.S.; establishing the Florida Building Code and the Florida Fire Prevention and Lifesafety Codes as the minimum uniform construction requirements governing the manufacture, design, construction, erection, alteration, modification, repair, and demolition of residential manufactured buildings; creating s. 320.873, F.S.; providing duties and responsibilities of the Department of Highway Safety and Motor Vehicles; providing for rules, inspections, and insignia; authorizing the department to set certain fees; providing for the department to delegate certain authority; creating s. 320.874, F.S.; providing for manufacturer certification; creating s. 320.875, F.S.; providing for recertification of residential manufactured buildings prior to the relocation, modification, or change of occupancy; creating s. 320.876, F.S.; providing for application and scope of enforcement by the department; providing for local requirements and permits; creating s. 320.877, F.S.; providing for injunctive relief to compel compliance; creating s. 320.878, F.S.; providing penalties; transferring and renumbering s. 320.865, F.S., relating to maintenance of records; amending ss. 553.36 and 553.38, F.S., relating to regulation of manufactured buildings; conforming provisions to changes made by the act; providing for conforming legislation; directing the Division of Statutory Revision to assist in preparation of the legislation; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Choice & Innovation Committee; Representative Stargel—

HB 7103—A bill to be entitled An act relating to charter schools; amending s. 1002.33, F.S.; revising charter school purposes; modifying provisions relating to duties of sponsors, the application process, denial of an application, and review of appeals; requiring the Department of Education to provide technical assistance to charter school applicants; providing requirements relating to charter contracts; providing procedures when a state of financial emergency exists; revising provisions relating to charter terms and renewal; revising nonrenewal and termination provisions, including procedures for immediate termination; revising provisions relating to the reversion of funds; revising duties of a charter school governing body relating to audits; requiring the department to develop a uniform accountability report; providing procedures with respect to charter schools with deficiencies; requiring a school improvement plan to raise student achievement; providing for probation and corrective actions; revising provisions relating to payment and reimbursement to a charter school by a

school district and authorizing the withholding of lottery funds under certain circumstances; authorizing the State Board of Education to impose a fine on or withhold lottery funds from a school district for certain violations; requiring conversion charter schools to comply with certain facility requirements under specific situations; authorizing certain zoning and land use designations for certain charter school facilities; revising exemption from assessment of fees; providing for additional services to charter schools and revising administrative fee requirements; requiring the department to develop a standard format for applications, charters, and charter renewals; requiring legislative review of charter schools in 2010; amending s. 218.39, F.S.; requiring the governing body of a charter school to be notified of certain deteriorating financial conditions; amending s. 218.50, F.S.; modifying a short title; amending s. 218.501, F.S.; including charter schools in the statement of purpose relating to financial management; amending s. 218.503, F.S.; providing for charter schools to be subject to provisions governing financial emergencies; providing procedures; amending s. 218.504, F.S.; providing for cessation of state action related to a state of financial emergency; amending s. 11.45, F.S.; conforming provisions; amending s. 1002.32, F.S.; providing that a charter lab school that elects to provide student transportation is eligible for funding for that purpose; amending s. 1003.05, F.S.; modifying the list of special academic programs for transitioning students from military families; amending s. 1012.74, F.S.; providing that educator professional liability insurance shall cover charter school personnel; amending s. 1013.62, F.S.; revising provisions relating to eligibility for and allocation of charter school capital outlay funding; revising purposes for which capital outlay funds may be used; providing effective dates.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Finance & Tax Committee; Representative Brummer—

HB 7105—A bill to be entitled An act relating to the taxation of alcoholic beverages; amending s. 561.121, F.S.; deleting provisions crediting specified taxes on alcoholic beverages to accounts funding substance abuse programs for children and adolescents; providing for future deletion of a provision providing for payment and credit of alcoholic beverage surcharge funds to the General Revenue Fund to conform; terminating the Children and Adolescents Substance Abuse Trust Fund within the Department of Children and Family Services; providing for disposition of balances in and revenues of such trust fund; amending s. 215.20, F.S.; conforming provisions to the repeal of the trust fund; amending s. 561.501, F.S.; deleting a provision imposing a surcharge on alcoholic beverages sold for consumption on the premises; amending s. 561.025, F.S., to conform; providing for future repeal of s. 561.501, F.S., relating to the collection of the alcoholic beverage surcharge; providing an appropriation; providing effective dates.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Economic Development, Trade & Banking Committee; Representative Bilirakis—

HB 7107—A bill to be entitled An act relating to trademarks; creating s. 495.001, F.S.; providing a short title; amending s. 495.011, F.S.; providing definitions; amending s. 495.021, F.S.; precluding registration of certain marks; repealing s. 495.027, F.S., relating to reservation of a mark; amending s. 495.031, F.S.; providing requirements for information to be contained in an application for registration of a mark; authorizing the Department of State to require certain information in an application; requiring that the application be signed and verified by any of certain persons; requiring that the application be accompanied by three specimens showing the mark; requiring that the application be accompanied by a fee; creating s. 495.035, F.S.; providing filing guidelines for applications; providing for disclaimers of unregistrable components; providing for amendment and judicial review; providing for priority of registrations; amending s. 495.041, F.S.; providing that first use shall inure to the benefit of the registrant or applicant under certain circumstances; amending s. 495.061, F.S.; providing for the issuance of a certificate of registration by the department; removing a provision relating to reservation of a mark; amending s. 495.071, F.S.; providing guidelines for the

renewal of marks; revising duration of effectiveness of a registration; amending s. 495.081, F.S.; providing for the assignability of marks; authorizing a photocopy of an assignment to be acceptable for recording; providing for change of name certificates for registrants; authorizing recordation of certain instruments; providing acknowledgment of recording as prima facie evidence of the execution of an assignment or other instrument; specifying requirements for creation and perfection of security interests in marks; amending s. 495.091, F.S.; requiring the department to record all marks registered with the state; amending s. 495.101, F.S.; requiring the department to cancel certain marks; amending s. 495.111, F.S., which establishes a classification of goods and services; providing that a single application for registration of a mark may include any or all goods upon which, or services with which, the mark is actually being used comprised in one or more of the classes listed; amending s. 495.131, F.S.; revising infringement provisions to include an element of lack of consent by the registrant; conforming language; amending s. 495.141, F.S.; providing additional remedies for the unauthorized use of a mark; creating s. 495.145, F.S.; providing a forum for actions regarding registration; providing for service of process on nonresident registrants; amending s. 495.151, F.S.; providing for an injunction in cases of dilution of a famous mark; providing factors to be considered in determining that a mark is famous; providing damages in certain circumstances of dilution; amending s. 495.161, F.S.; deleting language relating to the diminishing of certain common law rights; amending s. 495.171, F.S.; providing effective date of changes to ch. 495, F.S., as amended by the act; providing for repeal of conflicting acts; providing application to pending actions; amending s. 495.181, F.S.; providing construction and legislative intent; creating s. 495.191, F.S.; providing certain fees; repealing s. 506.06, F.S., relating to unlawful to counterfeit trademark, to conform; repealing s. 506.07, F.S., relating to filing of trademark or other form of advertisement for record with Department of State, to conform; repealing s. 506.08, F.S., relating to fee for filing, to conform; repealing s. 506.09, F.S., relating to civil remedies, to conform; repealing s. 506.11, F.S., relating to unlawful use of trademark, to conform; repealing s. 506.12, F.S., relating to procuring the filing of trademark or other form of advertisement by fraudulent representations, to conform; repealing s. 506.13, F.S., relating to using the name or seal of another, to conform; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Finance & Tax Committee; Representative Brummer—

HB 7109—A bill to be entitled An act relating to homestead property assessments; amending s. 193.155, F.S.; revising exceptions applicable to damaged or destroyed homestead property to a requirement that changes, additions, or improvements to homestead property be assessed at just value under certain circumstances; providing for assessment of changed or improved homestead property; amending s. 196.031, F.S.; providing for the continued granting of a homestead exemption for certain damaged or destroyed homestead property under certain circumstances; providing for retroactive application; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Governmental Operations Committee; Representative Rivera—

HB 7111—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding the offense of interference with custody; amending s. 787.03, F.S.; specifying that the offense of interference with custody applies to the taking of a minor; providing a penalty; revising a defense to the offense of interference with custody for a defendant who is a victim of actual or imminent domestic violence to provide that the defendant's reasonable belief that the interference was necessary to escape from, or protect himself or herself from, domestic violence or to preserve a minor or incompetent person from exposure to domestic violence constitutes a defense; revising a defense to the offense of interference with custody when a minor or incompetent person instigates his or her own taking to require a showing that it was reasonable for the defendant to rely upon the instigating

acts; broadening an exception to the offense of interference with custody; specifying that the offense is inapplicable to cases involving certain persons who have a legal right to custody of a minor or an incompetent person who take the minor or incompetent person and follow prescribed procedures; including the taking of an incompetent person within provisions governing the exception to the offense; making editorial changes; reenacting s. 61.45(6)(b), F.S., relating to a court order of visitation or custody, and s. 933.18(7)(a), F.S., relating to instances in which a warrant may be issued for search of private dwelling, for the purpose of incorporating the amendment to s. 787.03, F.S., in references thereto; reenacting and amending s. 921.0022(3)(d), F.S.; revising a reference to the offense of interference with custody within the offense severity ranking chart of the Criminal Punishment Code to conform; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Governmental Operations Committee; Representative Rivera—

HB 7113—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding the public records exemption for the interference with custody statute; amending s. 787.03, F.S.; expanding the public records exemption for specified information contained in a report made to a sheriff or state attorney as part of a statutory exception to the offense of interference with custody; providing that the address and telephone number of a minor or incompetent person contained in such report is confidential and exempt from public records requirements; providing an exception to the exemption; providing for review and repeal; providing a statement of public necessity; providing a contingent effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Governmental Operations Committee; Representative Rivera—

HB 7115—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act regarding autopsy photographs and video and audio recordings; amending s. 406.135, F.S., which provides an exemption from public records requirements for photographs and video and audio recordings of an autopsy in the custody of a medical examiner; reorganizing the section and making editorial changes; removing the scheduled repeal of the exemption; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Criminal Justice Committee; Representative Kravitz—

HB 7117—A bill to be entitled An act relating to sexual predators and offenders; amending s. 322.141, F.S.; requiring distinctive markings for driver's licenses and identification cards issued to persons who are designated as sexual predators or subject to registration as sexual offenders; amending s. 322.212, F.S.; prohibiting the alteration of sexual predator or sexual offender markings on driver's licenses or identification cards, for which there are criminal penalties; amending s. 775.21, F.S.; requiring sexual predators to obtain a distinctive driver's license or identification card; amending s. 943.0435, F.S.; requiring sexual offenders to obtain a distinctive driver's license or identification card; amending s. 944.607, F.S.; requiring specified offenders who are under the supervision of the Department of Corrections but are not incarcerated to obtain a distinctive driver's license or identification card; amending s. 1012.465, F.S.; revising provisions relating to background screenings of certain noninstructional school district employees and other specified individuals; creating s. 1012.4561, F.S.; providing definitions; prohibiting authorized individuals who are designated as sexual predators, subject to registration as a sexual offenders, or who appear on the National Sex Offender Public Registry from being present on school grounds; providing criminal penalties; requiring authorized individuals working on school grounds to be subject to a check of Florida driver's licenses or identification cards for the purposes of ascertaining their sexual offender and sexual predator status and checked against the National Sex Offender Public Registry; providing duties for certain authorized individuals; providing

penalties; allowing school superintendents on a case-by-case basis to require certain individuals to undergo a fingerprint-based background screening to meet specified standards; providing for submission of fingerprints; providing for fees; requiring creation of an electronic system for sharing screening results among school districts; providing for storage, use, and purging of fingerprints submitted for background checks; providing rulemaking authority to the Department of Law Enforcement; requiring certain individuals to report certain offenses; providing penalties; providing exceptions; providing that no provision of the section shall give rise to private civil liability or create a private cause of action for monetary damages; providing rulemaking authority to school boards; providing effective dates.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Kreegel—

HR 9017—A resolution designating March 15, 2006, as "Emergency Medicine Day" in Florida.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Joyner—

HR 9019—A resolution honoring Attorney Delano Smart Stewart, 2005 inductee into the National Bar Association Hall of Fame.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Bowen—

HR 9021—A resolution recognizing the Division of Recreation and Parks for its management of the state park system.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Ambler—

HR 9023—A resolution congratulating the Citrus Park Little League Senior Girls Softball Team, 2005 World Series Champions.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Bowen—

HR 9025—A resolution recognizing April 11, 2006, as "Polk County Legislative Day" in Tallahassee.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Joyner—

HR 9027—A resolution designating March 23, 2006, as "FAMU Day" in Tallahassee.

First reading by publication (Art. III, s. 7, Florida Constitution).

Reference

HB 1025—Referred to the Choice & Innovation Committee; Education Appropriations Committee; and Education Council.

HB 1059—Referred to the Governmental Operations Committee and State Administration Council.

HB 1269—Referred to the Finance & Tax Committee; Local Government Council; and Fiscal Council.

HB 1271—Referred to the Criminal Justice Committee; State Administration Appropriations Committee; and Justice Council.

HB 1275—Referred to the Future of Florida's Families Committee; Governmental Operations Committee; State Administration Appropriations Committee; and Health & Families Council.

HB 1277—Referred to the Insurance Committee; Health Care Regulation Committee; State Administration Appropriations Committee; and Commerce Council.

HB 1279—Referred to the Insurance Committee; Governmental Operations Committee; and Commerce Council.

HB 1281—Referred to the Criminal Justice Committee; Transportation Committee; Criminal Justice Appropriations Committee; and Justice Council.

HB 1283—Referred to the Economic Development, Trade & Banking Committee; Fiscal Council; and Commerce Council.

HB 1285—Referred to the Economic Development, Trade & Banking Committee; Governmental Operations Committee; and Commerce Council.

HB 1289—Referred to the Utilities & Telecommunications Committee; Governmental Operations Committee; Transportation & Economic Development Appropriations Committee; and Commerce Council.

HB 1291—Referred to the Criminal Justice Committee; PreK-12 Committee; and Justice Council.

HB 1293—Referred to the Health Care Regulation Committee and Health & Families Council.

HB 1295—Referred to the PreK-12 Committee; Education Appropriations Committee; and Education Council.

HB 1297—Referred to the Local Government Council and Finance & Tax Committee.

HB 1299—Referred to the Local Government Council and Fiscal Council.

HB 1303—Referred to the Local Government Council.

HB 1305—Referred to the Utilities & Telecommunications Committee; Governmental Operations Committee; Transportation & Economic Development Appropriations Committee; and Commerce Council.

HB 1309—Referred to the Growth Management Committee; Local Government Council; Transportation & Economic Development Appropriations Committee; and State Infrastructure Council.

HB 1315—Referred to the Transportation Committee; Fiscal Council; and State Infrastructure Council.

HJR 1317—Referred to the Insurance Committee; Governmental Operations Committee; Ethics & Elections Committee; and Commerce Council.

HB 1319—Referred to the Health Care Regulation Committee; Business Regulation Committee; Health Care Appropriations Committee; and Health & Families Council.

HB 1321—Referred to the Tourism Committee; Finance & Tax Committee; and State Infrastructure Council.

HB 1323—Referred to the Civil Justice Committee; Judiciary Committee; and Justice Council.

HB 1325—Referred to the Criminal Justice Committee; Health Care Appropriations Committee; and Justice Council.

HB 1327—Referred to the Future of Florida's Families Committee; Health Care Appropriations Committee; and Health & Families Council.

HB 1329—Referred to the Insurance Committee and Commerce Council.

HB 1333—Referred to the Business Regulation Committee; Health Care Regulation Committee; and Commerce Council.

HB 1337—Referred to the Transportation Committee; Health Care General Committee; Transportation & Economic Development Appropriations Committee; and State Infrastructure Council.

HB 1339—Referred to the Utilities & Telecommunications Committee; Finance & Tax Committee; and Commerce Council.

HB 1343—Referred to the Environmental Regulation Committee; Agriculture & Environment Appropriations Committee; and State Resources Council.

HB 1345—Referred to the Water & Natural Resources Committee; Agriculture & Environment Appropriations Committee; and State Resources Council.

HB 1347—Referred to the Environmental Regulation Committee; Agriculture & Environment Appropriations Committee; and State Resources Council.

HB 1349—Referred to the Insurance Committee; Elder & Long-Term Care Committee; State Administration Appropriations Committee; and Commerce Council.

HB 1353—Referred to the Insurance Committee; Health Care General Committee; Fiscal Council; and Commerce Council.

HB 1357—Referred to the Local Government Council; Growth Management Committee; Transportation & Economic Development Appropriations Committee; and State Infrastructure Council.

HB 1359—Referred to the Environmental Regulation Committee; Transportation & Economic Development Appropriations Committee; and State Resources Council.

HB 1363—Referred to the Growth Management Committee; Local Government Council; Fiscal Council; and State Infrastructure Council.

HB 1365—Referred to the Future of Florida's Families Committee; Health Care Appropriations Committee; and Health & Families Council.

HB 1367—Referred to the Business Regulation Committee; Local Government Council; and Commerce Council.

HB 1373—Referred to the PreK-12 Committee; Education Appropriations Committee; and Education Council.

HB 1375—Referred to the Local Government Council and Finance & Tax Committee.

HB 1377—Referred to the PreK-12 Committee; Education Appropriations Committee; and Education Council.

HB 1381—Referred to the Local Government Council.

HB 1383—Referred to the Business Regulation Committee; Insurance Committee; State Administration Appropriations Committee; and Commerce Council.

HB 1385—Referred to the Agriculture Committee; Finance & Tax Committee; and State Resources Council.

HB 1389—Referred to the Finance & Tax Committee; Education Appropriations Committee; and Fiscal Council.

HB 1391—Referred to the Insurance Committee; Health Care Regulation Committee; State Administration Appropriations Committee; and Commerce Council.

HB 1393—Referred to the Insurance Committee; State Administration Appropriations Committee; and Commerce Council.

HB 1395—Referred to the Transportation Committee; Transportation & Economic Development Appropriations Committee; and State Infrastructure Council.

HB 7055—Referred to the Finance & Tax Committee; Transportation & Economic Development Appropriations Committee; and Commerce Council.

HB 7061—Referred to the Economic Development, Trade & Banking Committee; and State Administration Council.

HB 7063—Referred to the Health Care General Committee and State Administration Council.

HB 7087—Referred to the Education Council.

Reports of Councils and Standing Committees

Received March 9:

The Commerce Council reported the following favorably:
HB 219

The above bill was placed on the Calendar of the House.

The Commerce Council reported the following favorably:
HB 355

The above bill was placed on the Calendar of the House.

The Commerce Council reported the following favorably:
HB 361

The above bill was placed on the Calendar of the House.

The Local Government Council reported the following favorably:
HB 405 with council substitute

The above bill was transmitted to the next council or committee of reference, the Fiscal Council, subject to review under Rule 6.3.

The Commerce Council reported the following favorably:
HB 649

The above bill was placed on the Calendar of the House.

The Transportation Committee reported the following favorably:
HB 791 with committee substitute

The above bill was transmitted to the next council or committee of reference, the Transportation & Economic Development Appropriations Committee, subject to review under Rule 6.3.

The Utilities & Telecommunications Committee reported the following favorably:
HM 883

The above bill was transmitted to the next council or committee of reference, the Rules & Calendar Council.

The Health Care General Committee reported the following favorably:
HB 1027

The above bill was transmitted to the next council or committee of reference, the Health Care Appropriations Committee.

Received March 10:

The Elder & Long-Term Care Committee reported the following favorably:
HB 49 with committee substitute

The above bill was transmitted to the next council or committee of reference, the Community Colleges & Workforce Committee, subject to review under Rule 6.3.

The Education Appropriations Committee reported the following favorably:
HB 75

The above bill was transmitted to the next council or committee of reference, the Education Council.

The Colleges & Universities Committee reported the following favorably:
HB 119 with committee substitute

The above bill was transmitted to the next council or committee of reference, the Education Appropriations Committee, subject to review under Rule 6.3.

The Criminal Justice Committee reported the following favorably:
HB 251 with committee substitute

The above bill was transmitted to the next council or committee of reference, the Local Government Council, subject to review under Rule 6.3.

The Transportation Committee reported the following favorably:
HB 255 with committee substitute

The above bill was transmitted to the next council or committee of reference, the State Resources Council, subject to review under Rule 6.3.

The Finance & Tax Committee reported the following favorably:
HB 293

The above bill was transmitted to the next council or committee of reference, the Local Government Council.

The Business Regulation Committee reported the following favorably:
HB 321

The above bill was transmitted to the next council or committee of reference, the Governmental Operations Committee.

The Education Appropriations Committee reported the following favorably:
HB 429

The above bill was transmitted to the next council or committee of reference, the Education Council.

The Criminal Justice Committee reported the following favorably:
HB 463 with committee substitute

The above bill was transmitted to the next council or committee of reference, the Local Government Council, subject to review under Rule 6.3.

The Finance & Tax Committee reported the following favorably:
HB 547

The above bill was placed on the Calendar of the House.

The Transportation & Economic Development Appropriations Committee reported the following favorably:
HB 599

The above bill was transmitted to the next council or committee of reference, the Health & Families Council.

The Business Regulation Committee reported the following favorably:
HB 651

The above bill was transmitted to the next council or committee of reference, the Governmental Operations Committee.

The Environmental Regulation Committee reported the following favorably:
HB 693 with committee substitute

The above bill was transmitted to the next council or committee of reference, the Governmental Operations Committee, subject to review under Rule 6.3.

The Health Care Regulation Committee reported the following favorably:
HB 699 with committee substitute

The above bill was transmitted to the next council or committee of reference, the Health Care General Committee, subject to review under Rule 6.3.

The Colleges & Universities Committee reported the following favorably:
HB 741 with committee substitute

The above bill was transmitted to the next council or committee of reference, the Education Appropriations Committee, subject to review under Rule 6.3.

The Colleges & Universities Committee reported the following favorably:
HB 769 with committee substitute

The above bill was transmitted to the next council or committee of reference, the Governmental Operations Committee, subject to review under Rule 6.3.

The Colleges & Universities Committee reported the following favorably:
HB 795 with committee substitute

The above bill was transmitted to the next council or committee of reference, the Education Appropriations Committee, subject to review under Rule 6.3.

The Civil Justice Committee reported the following favorably:
HB 803 with committee substitute

The above bill was transmitted to the next council or committee of reference, the Future of Florida's Families Committee, subject to review under Rule 6.3.

The Criminal Justice Committee reported the following favorably:
HB 829 with committee substitute

The above bill was transmitted to the next council or committee of reference, the Governmental Operations Committee, subject to review under Rule 6.3.

The Civil Justice Committee reported the following favorably:
HB 839 with committee substitute

The above bill was transmitted to the next council or committee of reference, the Judiciary Committee, subject to review under Rule 6.3.

The Criminal Justice Committee reported the following favorably:

HB 871 with committee substitute

The above bill was transmitted to the next council or committee of reference, the Utilities & Telecommunications Committee, subject to review under Rule 6.3.

The Colleges & Universities Committee reported the following favorably:

HB 873 with committee substitute

The above bill was transmitted to the next council or committee of reference, the Education Appropriations Committee, subject to review under Rule 6.3.

The Local Government Council reported the following favorably:
HB 939 with council substitute

The above bill was transmitted to the next council or committee of reference, the Finance & Tax Committee, subject to review under Rule 6.3.

The Elder & Long-Term Care Committee reported the following favorably:

HB 1067 with committee substitute

The above bill was transmitted to the next council or committee of reference, the Governmental Operations Committee, subject to review under Rule 6.3.

The Education Appropriations Committee reported the following favorably:
HB 7041

The above bill was transmitted to the next council or committee of reference, the Education Council.

Received March 12:

The Local Government Council reported the following favorably:
HB 921 with council substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The Local Government Council reported the following favorably:
HB 935 with council substitute

The above bill was transmitted to the next council or committee of reference, the Growth Management Committee, subject to review under Rule 6.3.

Received March 13:

The Judiciary Appropriations Committee reported the following favorably:
HB 113 with committee substitute

The above bill was transmitted to the next council or committee of reference, the Judiciary Committee, subject to review under Rule 6.3.

The Choice & Innovation Committee reported the following favorably:
HB 135 with committee substitute

The above bill was transmitted to the next council or committee of reference, the Civil Justice Committee, subject to review under Rule 6.3.

The Governmental Operations Committee reported the following favorably:

HB 237 with committee substitute

The above bill was transmitted to the next council or committee of reference, the Insurance Committee, subject to review under Rule 6.3.

The Commerce Council reported the following favorably:
HB 317

The above bill was placed on the Calendar of the House.

The Governmental Operations Committee reported the following favorably:
HB 325 with committee substitute

The above bill was transmitted to the next council or committee of reference, the Criminal Justice Appropriations Committee, subject to review under Rule 6.3.

The Insurance Committee reported the following favorably:
HB 365

The above bill was transmitted to the next council or committee of reference, the Governmental Operations Committee.

The Insurance Committee reported the following favorably:
HB 377

The above bill was transmitted to the next council or committee of reference, the Health Care Appropriations Committee.

The Future of Florida's Families Committee reported the following favorably:
HB 469 with committee substitute

The above bill was transmitted to the next council or committee of reference, the Criminal Justice Appropriations Committee, subject to review under Rule 6.3.

The Criminal Justice Committee reported the following favorably:
HB 669 with committee substitute

The above bill was transmitted to the next council or committee of reference, the Criminal Justice Appropriations Committee, subject to review under Rule 6.3.

The Criminal Justice Committee reported the following favorably:
HB 719 with committee substitute

The above bill was transmitted to the next council or committee of reference, the Governmental Operations Committee, subject to review under Rule 6.3.

The Claims Committee reported the following favorably:
HB 799 with committee substitute

The above bill was transmitted to the next council or committee of reference, the Justice Council, subject to review under Rule 6.3.

The Insurance Committee reported the following favorably:
HB 805 with committee substitute

The above bill was transmitted to the next council or committee of reference, the Health Care Regulation Committee, subject to review under Rule 6.3.

The Claims Committee reported the following favorably:
HB 845 with committee substitute

The above bill was transmitted to the next council or committee of reference, the Justice Council, subject to review under Rule 6.3.

Received March 14:

The Finance & Tax Committee reported the following favorably:
HB 47 with committee substitute

The above bill was transmitted to the next council or committee of reference, the Fiscal Council, subject to review under Rule 6.3.

The Commerce Council reported the following favorably:
HB 197 with council substitute

The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.

The Education Appropriations Committee reported the following favorably:
HJR 213 with committee substitute

The above bill was transmitted to the next council or committee of reference, the Education Council, subject to review under Rule 6.3.

The Economic Development, Trade & Banking Committee reported the following favorably:
HB 425 with committee substitute

The above bill was transmitted to the next council or committee of reference, the Justice Council, subject to review under Rule 6.3.

The Governmental Operations Committee reported the following favorably:
HB 439 with committee substitute

The above bill was transmitted to the next council or committee of reference, the Health Care Appropriations Committee, subject to review under Rule 6.3.

The Finance & Tax Committee reported the following favorably:
HB 753 with committee substitute

The above bill was transmitted to the next council or committee of reference, the Local Government Council, subject to review under Rule 6.3.

The Economic Development, Trade & Banking Committee reported the following favorably:
HB 821 with committee substitute

The above bill was transmitted to the next council or committee of reference, the Local Government Council, subject to review under Rule 6.3.

The Business Regulation Committee reported the following favorably:
HB 835 with committee substitute

The above bill was transmitted to the next council or committee of reference, the Growth Management Committee, subject to review under Rule 6.3.

The Finance & Tax Committee reported the following favorably:
HM 885 with committee substitute

The above bill was transmitted to the next council or committee of reference, the Rules & Calendar Council, subject to review under Rule 6.3.

Excused

Reps. Brummer, Clarke, Dean, Detert, Mahon, Stargel

Adjourned

Pursuant to the motion previously agreed to, the House adjourned at 9:15 a.m., to reconvene at 11:15 a.m., Wednesday, March 15, or upon call of the Chair.

**Pages and Messengers
for the week of
March 13-17, 2006**

Pages—Anna Bethea, Shalimar; Jonah Cleveland, Panama City; Morgan Fess, Lake Mary; Stephen A. Green, Winter Garden; Ralph E. "Hunter" Kelly III, Lynn Haven; Colin Kliner, Tallahassee; Ryan Daniel Leibowitz, Miami Beach; Jessica Rae Machtel, Navarre; Colin Martinez, Tallahassee; Benjamin Moore, Apopka; Summer Nergard, Orange Park; Lewis Psomimis, New Port Richey; Brittani Alise Revell, Monticello; Marshall Starks, Winter Springs; Katelyn Varn, Tallahassee; Sarah Williams, Havana.

Messengers—Alexandra Band, Miami Beach; Alix Boren, Miami Beach; Summerly S. Brown, Redington Beach; Shelley Bucher, Orlando; Stephen Michael Carter, Eustis; Kayla Ealum, DeFuniak Springs; Carrie Facemire, New Port Richey; Adams S. Green, Winter Garden; Katie Kliner, Tallahassee; Morgan McCall, Delray Beach; Chris Nergard, Orange Park; Christopher J. Randall, Pensacola; Camille Rivera, Orlando; Kevin Veitia, Miami; Cody B. Walker, Tampa.

RULES
of the
FLORIDA HOUSE OF REPRESENTATIVES
(As adopted November 16, 2004, and amended
December 7, 2005 and March 7, 2006)

RULE ONE

LEGISLATIVE ORGANIZATION

1.1—Officers of the House

- (a) The officers of the Florida House of Representatives are:
- (1) Speaker
 - (2) Speaker pro tempore
 - (3) Majority Leader
 - (4) Minority Leader
 - (5) Clerk
 - (6) Sergeant at Arms.
- (b) The Speaker and the Speaker pro tempore shall each be elected by a majority of the duly elected and certified members of the House. For each office, the vote shall be recorded and, if a majority vote is not received on the first ballot, the members voting shall vote on the two names receiving the highest number of votes on the first ballot until a majority vote is received.
- (c) The Majority Leader shall be selected by and serve at the pleasure of the Speaker, and the Minority Leader shall be selected by the Minority Conference.
- (d) The House shall elect a Clerk to serve at its pleasure.
- (e) The Sergeant at Arms shall be appointed by the Speaker with the consent of the House.

1.2—Political Party Conferences

Conference rules shall be interpreted and enforced solely by the respective caucuses.

1.3—Seating Challenges

In the case of a contest for a seat in the House, notice setting forth the specific grounds of such contest and the supporting evidence must have been received by the Clerk not less than 5 days before the organization session of the Legislature. No motion to disqualify a member shall be in order at the organization session until a Speaker has been elected in accordance with the Florida Constitution. In the case of a special election, notice must have been received by the Clerk not less than 5 days before the next regular or special session convenes. If the election is during a session or less than 5 days before the next session, the notice must have been received on the next legislative day following the receipt of certified election results. A contest setting forth facts sufficient to warrant review shall be referred by the Speaker to an appropriate committee. The committee shall conduct hearings as required and report its findings and recommendations to the House. Upon receipt of the committee report, the House shall convene with all dispatch to determine the contest by a majority vote.

RULE TWO

DUTIES AND RIGHTS OF THE SPEAKER

2.1—Speaker to Enforce Rules; Questions of Order

- (a) The Speaker shall enforce, apply, and interpret the Rules of the House.
- (b) All questions of order shall be presented to the Speaker for determination. The Speaker may require the member raising a point of order to cite the rule or other authority in support of the question. The Speaker may decide the question of order, put such question to the House, or refer such question to the Chair of the Rules & Calendar Council for a recommendation

to the Speaker. Any decision of the Speaker on a point of order is subject to an appeal to the House made timely and separately by any five members. When a decision of the Speaker on a question of order is appealed, the Speaker shall put the appeal to the House. No member may speak more than once or for more than 5 minutes on an appeal unless given leave by the House by majority vote.

2.2—Speaker to Bring Business Before the House

The Speaker shall lay all business before the House, reserve times for the council, committee, and subcommittee meetings in compliance with these rules, and receive motions made by members and put them to the House.

2.3—Preservation of Order and Decorum; Control Over Chamber and Other Rooms Assigned to the House

The Speaker shall preserve order and decorum and shall have general control of the Chamber, corridors, passages, lobby, galleries, and rooms of the House whether in the Capitol or elsewhere. If there is a disturbance, the Speaker may order the Sergeant at Arms to clear the area or direct any other action to preserve order and decorum.

2.4—Appointment of Temporary Presiding Officer

The Speaker may appoint any member to perform the duties of presiding officer for a temporary period of time not to extend beyond a single legislative day. If the Speaker is absent and has not made such an appointment, the Speaker pro tempore shall act as presiding officer during the Speaker's absence. If the Speaker pro tempore is also absent and has not made such an appointment, the Chair of the Rules & Calendar Council shall act as presiding officer during the absence of both the Speaker and Speaker pro tempore or may appoint another member to perform such duties.

2.5—Appointment of Procedures & Policy Chair

The Speaker may designate one member to serve as Procedures & Policy Chair to represent the Speaker in dealings with members, senators, and other parties.

2.6—House Employees Serve at the Pleasure of the Speaker

The Speaker shall employ all employees of the House and shall determine their qualifications, hours of work, and compensation, including perquisites and other benefits. All House employees serve at the pleasure of the Speaker. The Speaker may dismiss any employee of the House without cause, and the pay of such employee shall stop on the designated day of dismissal.

2.7—Speaker to Sign Papers and Authorize Counsel in Suits Affecting the House

(a) The Speaker shall sign all acts, joint resolutions, concurrent resolutions, resolutions, memorials, writs, vouchers for expenditures chargeable to the House, contracts binding on the House, or other papers issued by the House. The Speaker may delegate the authority to sign documents authorizing payments and other papers of an administrative nature.

(b) The Speaker may retain or authorize counsel to initiate, defend, intervene in, or otherwise participate in any suit on behalf of the House, a council or committee of the House, a member of the House (whether in the legal capacity of member or taxpayer), a former member of the House, or an officer, employee, or agent of the House when the Speaker determines that such suit is of significant interest to the House and that the interest of the

House would not otherwise be adequately represented. Expenses incurred for legal services in such proceedings may be paid upon approval of the Speaker.

RULE THREE

MEMBERS

3.1—Disclosures of Interest and Disqualification from Voting

(a) No member may vote on any measure that the member knows or believes would inure to the member's special private gain. The member must disclose the nature of the interest for which the member is required to abstain from voting. Disclosure shall be done in a timely manner by filing a memorandum with the Clerk, which shall be printed in the *Journal* if a vote is taken on the measure on the floor. If a vote is taken on the measure in a council or committee, the memorandum shall be filed with the council or committee administrative assistant, who shall attach such memorandum to the council or committee report.

(b) A member, when voting on any measure that the member knows or believes would inure to the special private gain of a family member of the member, or to the special private gain of any principal by whom the member or a family member of the member is retained or employed, must disclose the nature of the interest of such person in the outcome of the vote. Disclosure shall be done promptly by filing a memorandum with the Clerk, which shall be printed in the *Journal* if a vote is taken on the measure on the floor. If a vote is taken on the measure in a council or committee, the memorandum shall be filed promptly with the council or committee administrative assistant, who shall attach such memorandum to the council or committee report. For the purpose of this rule, family members include the member's spouse, parents, and children.

3.2—Attendance Upon Council and Committee Meetings Required

A member shall attend all meetings of councils, committees, and subcommittees to which appointed, unless excused by the council or committee Chair or by the Speaker. Excuse from House session attendance shall also constitute excuse from that day's council, committee, and subcommittee meetings. Failure to attend two consecutive council, committee, or subcommittee meetings, unless excused, shall be reported by the council or committee Chair to the Speaker.

3.3—Attendance at Sessions

A member may not be absent from the sessions of the House without approval of the Speaker. Upon written request of a member submitted in a timely manner, the Speaker may, by written notice to the Clerk, excuse the member from attendance for any stated period. It shall be the responsibility of the excused member to advise the Clerk when leaving and returning to the Chamber.

3.4—Members Presumed Present Unless Excused or Necessarily Prevented

Any member who has answered roll call (either orally or by electronic means) at the opening of any daily session, or who enters after the initial quorum call and informs the Clerk of the member's presence, shall thereafter be presumed present unless necessarily prevented or leave of absence is obtained from the Speaker. The Speaker shall make each determination as to whether a member was necessarily prevented.

3.5—Open Meetings

(a) Subject to order and decorum, each member shall provide reasonable access to members of the public to any meeting between such member and more than one other member of the Legislature, if such members of the public have requested admission and such meeting has been prearranged for the purpose of agreeing to take formal legislative action on pending legislation or amendments at such meeting or at a subsequent time. No such meeting shall be conducted in the Members' Lounge, at any location that is closed to

the public, or at any location that the member knows prohibits admission on the basis of race, religion, gender, national origin, physical disability, or similar classification.

(b) Meetings conducted in the Chamber of either the House or the Senate while such body is in session shall be considered to be held at a location providing reasonable access to, and to be reasonably open to, the public. When the number of persons must be limited because of space considerations or otherwise for the maintenance of order or decorum, at least one representative each of the print, radio, and television media shall be included among the members of the public admitted, if such persons have requested admission.

(c) For the purpose of this rule, and as used in Section 4 of Article III of the Florida Constitution, legislation shall be considered pending if filed with the Clerk. An amendment shall be considered pending if it has been delivered to the administrative assistant of a council or committee in which the legislation is pending or to the Clerk, if the amendment is to a bill that has been reported favorably by each council and committee of reference, and the term "formal legislative action" shall include any vote of the House or Senate, or of a council, committee, or subcommittee of either house, on final passage or on a motion other than a motion to adjourn or recess.

RULE FOUR

DUTIES OF THE CLERK, SERGEANT AT ARMS, AND EMPLOYEES

4.1—Clerk

(a) The Clerk shall:

(1) Be the custodian of all bills, resolutions, and memorials. No member or other person may take possession of an original bill, after filing, with the intention of depriving the Legislature of its availability for consideration.

(2) Provide for the keeping of a complete record of introduction and action on all bills, resolutions, and memorials, including the number(s), the sponsor(s), each cosponsor, a brief description of the subject matter, and each council and committee reference.

(3) Keep a correct journal of proceedings of the House. The *Journal* shall be numbered serially and published from the first day of each session of the Legislature.

(4) Superintend the engrossing and transmitting of bills, resolutions, and memorials and approve the enrolling of all House bills.

(5) Not permit any records or papers belonging to the House to be taken out of the Clerk's custody other than in the regular course of business and only then upon receipt.

(6) Publish Daily and Interim Calendars necessary to provide public notice of consideration of bills, resolutions, and memorials by the House and its councils, committees, and subcommittees.

(7) Examine bills, resolutions, and memorials upon their tender for introduction to determine whether facially they meet the requirements of the Florida Constitution for the presence of the enacting or resolving clause or the provision in local bills, including local claim bills, for advertising or for referendum; however, beyond calling an apparent defect to the attention of the first-named sponsor, the obligation of the Clerk shall end.

(8) Sign and receive necessary papers in the name of the House between a general election and election of the Speaker.

(b) It shall be a ministerial duty of the Clerk to attest to all writs, issued by order of the House, and to the passage of all legislative measures.

(c) In the necessary absence of the Clerk, the Speaker may appoint a temporary Clerk.

4.2—Sergeant at Arms

The Sergeant at Arms shall:

(a) Attend the House during its sittings and maintain order under the direction of the Speaker or member performing the duties of the presiding officer.

(b) Ensure that no person is admitted to the House Chamber except in accordance with these rules.

(c) Be under the direct supervision and execute all commands of the Speaker.

(d) Be the custodian of furniture, books, and property of the House and shall annually take an inventory of all property under the Sergeant at Arms' charge.

(e) Provide for the security of the House and its members when engaged in their constitutional duties.

(f) Perform all other duties pertaining to the Sergeant at Arms' Office as prescribed by law or these rules.

4.3—Employees Forbidden to Lobby; Restriction on Employee Campaign Activities

(a) An employee of the House may not, directly or indirectly, be interested in or concerned with the passage or consideration of any bill without direction from a member with authority over the designated staff member. An employee may, on behalf of a member, present a bill in council, committee, or subcommittee in the member's absence only with the member's prior written direction. An employee shall not exhibit an improper interest in or concern with any bill.

(b) An employee of the House may not engage in campaign activities during regular work hours, except when on approved leave, and may neither hold, nor be a candidate for, public office (other than a political party executive committee office) while in the employ of the House.

RULE FIVE

FORM AND INTRODUCTION OF BILLS

5.1—"Bill" Stands for All Legislation

Except when the context otherwise indicates, "bill," as used in these rules, means a bill, joint resolution, concurrent resolution, resolution, memorial, or other measure upon which a council or committee may be required to report.

5.2—Member and Committee Bill Filing Deadlines

(a) No general bill, local bill originating in the House, joint resolution, concurrent resolution (except one relating to extension of a session or legislative organization or procedures), substantive House resolution, or memorial originating in the House shall be given first reading unless approved for filing with the Clerk no later than noon of the first day of the regular session.

(b) To be admitted for introduction, bills originating in committees shall be approved for filing with the Clerk no later than noon of the 28th day of the regular session. Committee bills filed after this deadline will be admitted for introduction only if accompanied by a certificate of urgent public need submitted jointly by the committee and council Chairs and approved by the Speaker.

5.3—Limitation on Member Bills Filed

(a) A member may not file more than six bills for a regular session. Of the six bills, at least two must be approved for filing with the Clerk no later than noon of the 6th Tuesday prior to the first day of the regular session. For purposes of this rule, the member considered to have filed a bill is the first-named sponsor of the bill. Bills that have been withdrawn from further consideration prior to the filing deadline shall not be counted against this limit.

(b) Bills not counted toward these limits include:

- (1) Local bills, including local claim bills
- (2) Ceremonial House resolutions
- (3) Memorials
- (4) Concurrent resolutions relating to extension of a session or legislative organization or procedures
- (5) Trust fund bills adhering to another bill

(6) Public records or public meetings exemption bills adhering to another bill

(7) Joint resolutions adhering to a general bill

(8) Bills that only repeal or delete, without substantive replacement, provisions of the Florida Statutes or Laws of Florida.

5.4—Forms of Measures; Sponsorship Transactions

(a) To be acceptable for introduction, all bills shall be produced in accordance with standards approved by the Speaker.

(b) No member may be added or deleted as a sponsor or cosponsor of a bill without the member's consent. A member desiring to be a cosponsor must submit to the Clerk a cosponsorship request agreed to by the first-named sponsor. A member may withdraw as a cosponsor by submitting a request to the Clerk.

(c) Bills that propose to amend existing provisions of law shall contain the full text of the section, subsection, or paragraph to be amended. Joint resolutions that propose to amend the Florida Constitution shall contain the full text of the section to be amended. As to those portions of general bills and joint resolutions that propose to amend existing provisions of the Florida Statutes or the Florida Constitution, new words shall be inserted in the text underlined and words to be deleted shall be lined through with hyphens. If the change in language is so general that the use of these procedures would hinder, rather than assist, the understanding of the amendment, it is not necessary to use the coded indicators of words added or deleted, but, in lieu thereof, a notation similar to the following shall be inserted immediately preceding the affected section of the bill: "Substantial rewording of section. See s. . . ., F.S., for present text." When such a notation is used, the notation, as well as the substantially reworded text, shall be underlined. The words to be deleted and the above-described indicators of such words and of new material are for information and guidance and do not constitute a part of the bill under consideration. Numerals in the margins of the line-numbered paper do not constitute a part of the bill and are shown on the page only for convenience in identifying lines. Section catch lines of existing text shall not be underlined, nor shall any other portion of a bill covered by this rule other than new material.

5.5—Local Bills

(a) If the substance of a local bill may be enacted into law by ordinance of a local governing body without the legal need for a referendum, the Local Government Council may not report the bill favorably.

(b) A local bill that provides an exemption from general law may not be placed on the Special Order Calendar in any section reserved for the expedited consideration of local bills.

(c) All local bills, including local claim bills, must either, as required by Section 10 of Article III of the Florida Constitution, embody provisions for a ratifying referendum (stated in the title as well as in the text of the bill) or be accompanied by an affidavit of proper advertisement, securely attached to the original bill ahead of its first page.

5.6—Claim Bills

(a) The Speaker may appoint a Special Master to review a claim bill or conduct a hearing, if necessary. The Special Master may administer an oath to all witnesses, accept relevant documentary and tangible evidence offered as deemed necessary, and record the hearing. The Special Master may prepare a final report containing findings of fact, conclusions of law, and recommendations. The report shall be signed by the Special Master, who shall be available, in person, to explain his or her report to any council or committee of reference.

(b) Stipulations entered into by the parties are not binding on the Special Master or the House or its councils or committees.

(c) The hearing and consideration of a claim bill shall be held in abeyance until all available administrative and judicial remedies have been exhausted, except that the hearing and consideration of a claim that is still within the judicial or administrative system may proceed when the parties have executed a written settlement agreement.

5.7—Reviser's Bills

Reviser's bills shall be introduced by the Rules & Calendar Council, which may request prior review by another council or committee.

5.8—General Appropriations Bill and Related Legislation

The general appropriations bill and related legislation, including trust fund bills, may be introduced by the Fiscal Council.

5.9—Memorials

A memorial expresses the opinion of the Legislature to the Federal Government. All memorials shall contain the resolving clause "Be It Resolved by the Legislature of the State of Florida:".

5.10—House Resolutions and Concurrent Resolutions and Tributes

(a) All House resolutions and all concurrent resolutions originating in the House shall contain a title and a resolving clause. In the case of House resolutions, the resolving clause shall be "Be It Resolved by the House of Representatives of the State of Florida:". In the case of concurrent resolutions originating in the House, the resolving clause shall be "Be It Resolved by the House of Representatives of the State of Florida, the Senate Concurring:". Concurrent resolutions originating in the House shall present only questions pertaining to extension of a session, enactment of joint rules, ratification of federal constitutional amendments, communications with the judiciary, actions taken pursuant to federal law not requiring gubernatorial approval, or other exclusively legislative matters.

(b) All ceremonial House resolutions shall be reviewed and approved by the Chair of the Rules & Calendar Council before introduction.

(c) Copies of House resolutions shall be furnished by the Clerk. The Secretary of State shall be requested to prepare certified copies of concurrent resolutions after their adoption.

(d) Any matter commemorating local achievement, condolences, or other recognition shall be prepared by the House Bill Drafting Service as an individual tribute for the member sponsoring the measure.

5.11—Bills Filed During an Interim

During the period between the organization session and the convening of the first regular session of the legislative biennium and during the period between the first and second regular sessions of the legislative biennium, members may file for introduction bills that have been prepared or reviewed by the House Bill Drafting Service.

5.12—Requirements for Introduction

(a) All bills (other than a general appropriations bill, concurrent resolutions relating to organization of the Legislature, resolutions relating to organization of the House, reviser's bills, reapportionment bills or resolutions, and recall of acts from the Governor) shall either be prepared or, in the case of local bills, reviewed by the House Bill Drafting Service. After completion and delivery by the House Bill Drafting Service, no change may be made in the text or title of the bill without returning the bill to the House Bill Drafting Service prior to filing.

(b) The Director of the House Bill Drafting Service shall notify any member proposing a bill if an identical or similar bill has been filed and, if so, the name of the sponsor of such bill.

5.13—Identification

All bills shall be given a number and filed with the Clerk by the House Bill Drafting Service. Bills shall be serially numbered, in an odd-numbered sequence, except that bills of a similar type may be serially numbered separately. The Clerk shall validate the original copy of each bill, and each page thereof, to ensure its identification as the item introduced in order to prevent unauthorized or improper substitutions therefor.

5.14—Companion Measures

A companion Senate bill must be substantially similar in wording, and identical as to specific intent and purpose, to the House bill for which it is being substituted. Whenever a House bill is reached on the floor for consideration, either on second or third reading, and there is also pending on the Calendar of the House a companion bill already passed by the Senate, it shall be in order to move that the Senate companion bill be substituted and considered in lieu of the House bill. Such motion may be adopted by a majority vote, provided the Senate bill is on the same reading; otherwise the motion shall be to waive the rules by a two-thirds vote and substitute such Senate bill. At the moment the House substitutes the Senate companion bill or takes up a Senate bill in lieu of a House bill, the House bill so replaced shall be automatically tabled.

RULE SIX**REFERENCE****6.1—Speaker to Refer Legislation**

The authority to make bill referrals rests with the Speaker, except as otherwise provided in these rules.

6.2—Reference: Generally

(a) Bills, upon filing or introduction, whether House or Senate, shall be referred by the Speaker to a committee and its council and such other committees as are deemed appropriate or to the Calendar of the House as elsewhere provided in these rules, except that bills introduced by committees may, alternatively, be referred only to the council of the committee originating the bill. The order of reference shall be determined by the Speaker, provided the council shall consider the bill last.

(b) The Chair of a standing committee, upon receipt of a referred bill, may either refer the bill to a subcommittee or consider the bill at a meeting of the standing committee.

(c) References of bills and the nature of any documents referred shall be recorded in the *Journal*.

6.3—Reference: Exception; Additional References

(a) A Senate bill with a House companion may be paired with the companion House bill at whatever its stage of consideration, provided both bills are on the same reading.

(b) If a bill is reported with a committee substitute that contains an issue that was not in the original bill and such issue is within the jurisdiction of another committee, the Speaker may refer the bill to the other committee having jurisdiction over the additional subject and, if given an additional reference, such bill shall be considered by the new committee of reference before its consideration by any remaining fiscal committees of reference or the council.

(c) If a bill is reported with a council substitute that contains a new issue and such issue is within the jurisdiction of another council, the Speaker may further refer the bill.

(d) A general appropriations bill and related legislation, including trust fund bills, introduced by the Fiscal Council may be referred to the Calendar of the House.

(e) Reviser's bills may be referred to the Calendar of the House.

(f) A House combined bill introduced by a council may be referred to the Calendar of the House or further referred as appropriate.

(g) Local bills may be referred by the Speaker to a council or to a committee and its council and such other committees as are deemed appropriate.

(h) After the 55th day of a regular session and during any extended or special session, a Senate bill may be referred by the Speaker to a council or to a committee and its council and such other committees as are deemed appropriate.

6.4—Reference of Resolutions, Concurrent Resolutions: Exception

Resolutions on House organization and concurrent resolutions pertaining to extension of the session may be taken up upon motion and adopted at the time of introduction without reference.

6.5—Reference of Appropriations or Tax Measures

(a) All bills carrying or affecting appropriations or tax matters shall be referred to an appropriate fiscal committee.

(b) A bill in the possession of a committee within the Fiscal Council that has been amended by report from a committee of previous reference to remove its fiscal impact may be withdrawn from the committee within the Fiscal Council on a point of order raised by the Chair or Vice Chair of the Fiscal Council.

(c) If an amendment adopted on the floor of the House affects an appropriation or a tax matter, upon point of order made by the Chair or Vice Chair of the Fiscal Council, the bill may be referred by the Speaker with the amendment to a committee or council unless the amendment is the substance of a bill which has been approved by the Fiscal Council or one of its committees. If the bill, as amended on the floor, is reported favorably without further amendment, it shall be returned to the same reading as when referred. If the bill, as amended on the floor, is reported favorably with further amendment, it shall be returned to second reading.

6.6—Reference of Veto Messages

The Speaker shall refer veto messages to the appropriate council or committee for a recommendation.

RULE SEVEN**COUNCILS, COMMITTEES, AND SUBCOMMITTEES****Part One—Organization****7.1—Councils, Standing Committees, and Subcommittees; Appointments**

(a) The following standing committees are hereby established and shall be referred to as councils:

- (1) Commerce Council
- (2) Education Council
- (3) Fiscal Council
- (4) Health & Families Council
- (5) Justice Council
- (6) Local Government Council
- (7) Rules & Calendar Council
- (8) State Administration Council
- (9) State Infrastructure Council
- (10) State Resources Council

(b) Within each council there are hereby established the following standing committees:

- (1) Commerce Council
 - a. Business Regulation Committee
 - b. Economic Development, Trade & Banking Committee
 - c. Insurance Committee
 - d. Utilities & Telecommunications Committee
- (2) Education Council
 - a. Colleges & Universities Committee
 - b. Community Colleges & Workforce Committee
 - c. Choice & Innovation Committee
 - d. PreK-12 Committee
- (3) Fiscal Council
 - a. Agriculture & Environment Appropriations Committee
 - b. Education Appropriations Committee
 - c. Finance & Tax Committee
 - d. Health Care Appropriations Committee

- e. Judiciary Appropriations Committee
- f. Criminal Justice Appropriations Committee
- g. State Administration Appropriations Committee
- h. Transportation & Economic Development Appropriations Committee
- (4) Health & Families Council
 - a. Elder & Long-Term Care Committee
 - b. Future of Florida's Families Committee
 - c. Health Care General Committee
 - d. Health Care Regulation Committee
- (5) Justice Council
 - a. Civil Justice Committee
 - b. Claims Committee
 - c. Criminal Justice Committee
 - d. Judiciary Committee
 - e. Juvenile Justice Committee
- (6) Local Government Council
- (7) Rules & Calendar Council
- (8) State Administration Council
 - a. Domestic Security Committee
 - b. Ethics & Elections Committee
 - c. Governmental Operations Committee
 - d. Military & Veteran Affairs Committee
- (9) State Infrastructure Council
 - a. Growth Management Committee
 - b. Spaceport & Technology Committee
 - c. Tourism Committee
 - d. Transportation Committee
- (10) State Resources Council
 - a. Agriculture Committee
 - b. Environmental Regulation Committee
 - c. Water & Natural Resources Committee

(c) The Speaker shall appoint the Chair and Vice Chair of each House council, committee, and subcommittee and shall also appoint the remaining membership of each such council, committee, and subcommittee. The Speaker shall give notice of each such appointment in writing to the Clerk for publication in an Interim Calendar and the *Journal*.

(d) The Speaker may establish standing or select subcommittees constituted from the membership of standing committees and appoint their Chairs, Vice Chairs, and members. Subcommittees and select subcommittees so established shall be subject to the authority and direction of their parent committee. The Speaker shall give notice of the establishment of subcommittees and select subcommittees and appointments thereto in writing to the Clerk for publication in an Interim Calendar and the *Journal*.

(e) If necessary, the Speaker may appoint a temporary Chair for any council, standing committee, or subcommittee.

(f) All council, standing committee, and subcommittee Chairs, Vice Chairs, and members serve at the pleasure of the Speaker.

(g) All council, standing committee, and subcommittee appointments made by the Speaker shall expire on August 1 of odd-numbered years or, if the Legislature is convened in special or extended session on that date, upon adjournment *sine die* of such session.

(h) The Local Government Council shall have all the rights, privileges, and powers allowed a standing committee under Rules 6.2 and 7.9.

7.2—Appointment of Select Committees

The Speaker may at any time create a select committee and shall appoint the membership and name the Chair and Vice Chair thereof. A select committee may include the entire membership of the House. A select committee has the jurisdiction and duties and exists for the period of time specified by the Speaker. Select committees may introduce or receive by reference legislation only if clothed by the House with this power. The Speaker shall give notice of the creation of a select committee in writing to the Clerk for publication in an Interim Calendar and the *Journal*.

7.3—*Ex Officio* Members

The Speaker may designate the Speaker pro tempore, the Procedures & Policy Chair, or the Majority Leader as an *ex officio*, voting member of any council or standing committee. No council or standing committee may have more than one *ex officio* member voting at any one time. For the purpose of a quorum, an *ex officio* member shall not be included in the membership of a council or committee. The Speaker shall give notice of the designation of any such *ex officio* member in writing to the member so designated and to the council or committee Chair. The Chair of the parent committee shall, *ex officio*, be an additional voting member of a subcommittee. However, for the purpose of a quorum, the parent committee Chair shall not be included in the membership of a subcommittee.

Part Two—Meetings; Powers, Duties, and Procedure

7.4—Powers of the Chair and Procedure: Generally

(a) The Rules of the House shall govern procedure in council, committee, and subcommittee insofar as they are applicable.

(b) The council, committee, or subcommittee Chair shall sign all notices, vouchers, or reports required or permitted by these rules. The council or committee Chair shall sign all subpoenas as provided in Rule 16.1. Except as otherwise provided in these rules, the Chair has all authority necessary to ensure the orderly operation of the council, committee, or subcommittee, including, but not limited to, presiding over the council, committee, or subcommittee, establishing the agenda for the council, committee, or subcommittee, recognition of members or presenters, deciding all questions of order in council, committee, or subcommittee, and determining the order in which matters are taken up in council, committee, or subcommittee. There shall be no appeal from the Chair's recognition, but the Chair shall be governed by the rules and usage in priority of entertaining motions.

(c) Rulings on questions of order are subject to an appeal. Such appeal shall be made during the council, committee, or subcommittee meeting and shall be submitted in writing to the Chair signed by at least two members of the council, committee, or subcommittee prior to 4:30 p.m. of the next business day. The appeal shall be certified by the Chair to the House for timely action by the Speaker following such certification. The Speaker may refer an appeal to the Chair of the Rules & Calendar Council for a recommendation. The ruling of the Speaker shall be entered in the *Journal* and shall be subject to appeal as any other question. The Chair may, or on a majority vote of the council, committee, or subcommittee shall, certify a question of parliamentary procedure to the Speaker as contemplated by this rule without a formal appeal. Such a certified question shall be disposed of by the Speaker as if it had been on appeal. The certification of an appeal or of a question of parliamentary procedure pursuant to this rule does not constitute an automatic stay to further legislative action on the measure under consideration.

7.5—Absence of the Chair

For the purpose of convening or presiding over a meeting in the absence of the Chair, the Vice Chair shall assume all duties of the Chair until the Chair's return or replacement, unless a temporary Chair has been appointed by the Speaker to assume said duties.

7.6—Meetings of Councils, Committees, and Subcommittees and Extensions Thereof

Councils, committees, and subcommittees shall meet at the call of the Chair, within the dates, times, and locations designated by the Speaker. Meeting beyond the designated time shall be allowed only with leave granted by the Speaker. A council, committee, or subcommittee may continue the consideration of properly noticed legislation after the expiration of the time set for the meeting with the Speaker's approval and if a majority agree to continue or to temporarily recess to continue the meeting at a time and place certain on the same day, provided there is no conflict with another scheduled council, committee, or subcommittee meeting.

7.7—Hours for Meetings

No council, committee, or subcommittee meeting shall begin before 8 a.m. or continue beyond 6 p.m., unless granted leave by the Speaker.

7.8—Councils, Committees, and Subcommittees Meeting During House Session

No council, committee, or subcommittee shall meet while the House is in session without the consent of the House, except conference committees and the Rules & Calendar Council, when meeting to consider matters other than the substance of legislation.

7.9—Consideration of Proposed Committee Bills, Reviser's Bills, General Appropriations and Related Bills, and House Combined Bills

(a) Proposed committee bills (PCBs), reviser's bills proposed by the Rules & Calendar Council, and the general appropriations bill and related legislation, including trust fund bills, proposed by the Fiscal Council shall be treated as other bills in satisfying the requirements for notice. Each such proposed bill shall be available to each council, committee, or subcommittee member no later than the time of posting of notice. Such a proposed bill taken up without the council, committee, or subcommittee conforming to this rule shall be regarded as being considered in workshop session only, with final action carried over to a future meeting of the council, committee, or subcommittee at which the requirements of this rule have been met.

(b) Before a committee or subcommittee may consider a proposed committee bill, the committee Chair and the council Chair shall jointly submit a request to the Speaker for approval.

(c) A council or committee may, at any time and without further approval, introduce legislation the substance of which is drawn from two or more general bills or joint resolutions filed in the House and in the possession of the council or committee. This shall be known as a House combined bill, which may be referred to by the acronym HCB or HCJR, as applicable. Such measure shall carry the numbers in serial order of the bills incorporated. Sponsors for a House combined bill shall be the council or committee introducing it followed by the first-named sponsors of the bills so incorporated in the same sequence as the serial order of the bills' numbers. Cosponsors shall thereafter be listed alphabetically. Upon introduction of a combined bill, the original bills so joined shall be laid upon the table and may not be withdrawn from further consideration for purposes of exemption from the filing limitation in Rule 5.3.

(d) Proposed House combined bills shall be treated as other bills in satisfying the requirements for notice. Each proposed House combined bill shall be available to each council or committee member no later than the time of posting of notice. A proposed House combined bill taken up without the council or committee conforming to this rule shall be regarded as being considered in workshop session only, with final action carried over to a future meeting of the council or committee at which the requirements of this rule have been met.

7.10—Meetings of Councils, Committees, and Subcommittees: Time Required for Advance Notice During Sessions

(a) During the first 45 calendar days of a regular session, prior notice shall be given 2 days (excluding Saturday and Sunday) in advance of a council, committee, or subcommittee meeting for the purpose of considering legislation. If the notice is filed with the Clerk by 4:30 p.m., a bill or proposed bill may be heard at any time on the second succeeding day. After the 45th calendar day and during any extended session, the notice shall be given at least 1 day in advance of the council, committee, or subcommittee meeting.

(b) During special sessions, councils, committees, and subcommittees shall provide notice at least 2 hours in advance of a meeting.

(c) The Chair of any committee or subcommittee may remove any item from an agenda at any time by filing an amended notice prior to commencement of the meeting.

(d) If a council, committee, or subcommittee is approved and scheduled for a meeting by the Speaker, but does not plan to meet, a notice stating that no meeting is to be held shall be filed with the Clerk and posted.

(e) Except when meeting to consider the substance of legislation, the Rules & Calendar Council shall be exempt from the requirements of this rule.

7.11—Nature and Distribution of Notice During Sessions

(a) A notice shall include a listing and sufficient title for identification of bills or proposed bills to be considered by the council, committee, or subcommittee holding the meeting, including, time permitting, those directed to be retained. However, failure to include a bill directed to be retained in the notice does not preclude the motion to reconsider from being made.

(b) A notice shall state the date, time, and place of a meeting. The first-named sponsor and the members of the council, committee, or subcommittee shall be provided separate notice.

(c) Whenever timely, such notices shall be included in the Calendar of the House.

7.12—Nature and Distribution of Notice Between Sessions

(a) During the period when the Legislature is not in session, before any council, committee, or subcommittee holds a meeting for the purpose of considering a bill, a House combined bill, a proposed House combined bill, or a proposed committee bill, a notice of such meeting shall be filed with the Clerk no later than 4:30 p.m. 7 calendar days before the Friday preceding the week of the meeting.

(b) The notice shall state the date, time, and place of the meeting, the bill or proposed bill number, and a portion of the title sufficient for identification.

(c) If a council, committee, or subcommittee is approved and scheduled for a meeting by the Speaker, but does not plan to meet, a notice stating that no meeting is to be held shall be filed with the Clerk and posted.

(d) The council or committee administrative assistant shall transmit copies of the notice to the members of the council, committee, or subcommittee and to the first-named sponsor of the bill.

(e) Whenever timely, the Clerk shall enter such notices in an Interim Calendar.

(f) When two meetings have been scheduled by a council, committee, or subcommittee during a 30-day period when the Legislature is not in session, the council or committee Chair may provide in the notice for the first meeting that bills placed on the agenda for the first meeting and not reported out shall be available for consideration at the second meeting without further notice.

7.13—Reconsideration in Council, Committee, or Subcommittee

A motion for reconsideration in council, committee, or subcommittee shall be treated in the following manner:

(a) When a main question has been decided by a council, committee, or subcommittee, any member voting with the prevailing side, or any member when the vote was a tie, may move for reconsideration.

(b) Without recognition, a member voting on the prevailing side on passage or defeat of a bill may, as a matter of right, direct that the bill be retained through the next council, committee, or subcommittee meeting for the purpose of reconsideration. Such direction by an individual member may be set aside by adoption of a motion to report the bill immediately, which shall require a two-thirds vote. No bill may be directed to be retained after the 40th day of a regular session or during any extended or special session.

(c) A motion to reconsider a collateral matter must be disposed of during the course of consideration of the main subject to which it is related.

(d) If a bill has been directed to be retained, any member may move for its reconsideration at the next meeting of the council, committee, or subcommittee.

(e) If the council, committee, or subcommittee refuses to reconsider or, upon reconsideration, confirms its prior decision, no further motion to reconsider shall be in order except upon unanimous consent of the council, committee, or subcommittee members present.

(f) If a bill is not directed to be retained, it shall be promptly reported to the Clerk.

7.14—Open Meetings; Decorum

(a) All meetings of all councils, committees, and subcommittees shall be open to the public at all times, subject always to the authority of the Chair to maintain order and decorum; however, when reasonably necessary for security purposes or the protection of a witness, a Chair, with the concurrence of the Speaker and the Minority Leader, may close a council, committee, or subcommittee meeting, or portion thereof, and the record of such meeting may not disclose the identity of the witness appearing before the council, committee, or subcommittee.

(b) The Chair shall exercise all authority necessary to maintain order and decorum, including the authority to require all persons attending a council, committee, or subcommittee meeting to silence all audible electronic equipment.

7.15—Unfavorable Reports

(a) A bill reported unfavorably by a council or committee shall be laid on the table.

(b) A bill reported unfavorably by a council or committee may be taken from the table upon the motion of any member on the floor, adopted by a two-thirds vote, after debate not to exceed 6 minutes evenly divided between proponents and opponents of the motion.

(c) A bill reported unfavorably by a subcommittee shall appear on the agenda for the next meeting of the parent committee following the unfavorable vote of the subcommittee, consistent with time and notice requirements. A bill reported unfavorably by a subcommittee shall be laid upon the table and shall be reported unfavorably following the next meeting of the parent committee after the unfavorable report of the subcommittee, unless a member of the parent committee, at such meeting, makes a motion, which shall be decided without debate, to take the bill from the table. A two-thirds vote shall be required to take the bill from the table. If the bill that previously had been reported unfavorably by a subcommittee is taken from the table, the parent committee shall take up the bill with debate limited to members of the committee and the first-named sponsor. However, by a two-thirds vote, the bill may receive a hearing *de novo* and witnesses shall be permitted to testify.

7.16—Voting in Council and Committee; Votes After Roll Call

(a) A majority of the members of a council, committee, or subcommittee present, a quorum having been established, shall agree by their recorded votes upon the disposition of any bill or other main question considered by the council, committee, or subcommittee. (Florida Constitution, Article III, Section 4(c), in part: “. . . In any legislative committee or subcommittee, the vote of each member voting on the final passage of any legislation pending before the committee, and upon the request of any two members of the committee or subcommittee, the vote of each member on any other question, shall be recorded.”)

(b) Absent members may submit an indication of how they would have voted if present, but this shall not be counted on a roll call. Such votes after roll call shall be attached to the council or committee report when filed with the Clerk.

7.17—Proxy Voting Prohibited

A member of a council, committee, or subcommittee may not, under any circumstance, vote by proxy.

7.18—Quorum Requirement

(a) A majority of the membership of the council, committee, or subcommittee shall constitute a quorum.

(b) Only those members present may vote on any matter.

(c) A council, committee, or subcommittee may conduct a workshop with or without a quorum.

(d) A council, committee, or subcommittee may not file a report unless the council, committee, or subcommittee has met at an authorized time and place, with a quorum present.

7.19—Nature and Contents of Council, Committee, and Subcommittee Reports

(a) It shall be the duty of councils, committees, and subcommittees to report House bills either favorably, favorably with council or committee substitute, or unfavorably, and Senate bills either favorably, favorably with (number of) amendment(s), or unfavorably, but never without recommendation. A motion to lay a bill on the table shall be construed as a motion to report the pending bill unfavorably.

(b) Each report of a council, committee, or subcommittee must contain the action of the council, committee, or subcommittee on the bill being transmitted, together with a Council, Committee, or Subcommittee Information Record stating:

(1) The time and place of the meeting at which the action was taken;

(2) The name and address of each person appearing before the council, committee, or subcommittee relative to the measure and, if an agent, the interest represented; and

(3) The vote of each member of the council, committee, or subcommittee on the motion to report each bill.

(c) Each report by a council, committee, or subcommittee shall set forth the identifying number of the bill, and, if a council or committee substitute is proposed by the council, committee, or subcommittee, the words “with council or committee substitute” or, in the case of Senate bills, if one or more amendments are proposed by the council, committee, or subcommittee, the words “with (number of) amendment(s)” shall follow the identifying number. For the purpose of documentation, councils, committees, and subcommittees shall retain copies of their reports and amendments adopted, rejected, or withdrawn, with the council, committee, or subcommittee action noted thereon.

(d) Councils, committees, and subcommittees shall report their actions promptly, in the manner prescribed by these rules.

7.20—Minority Reports

Minority reports on any matter may be published in the *Journal* only by a majority vote of the House.

7.21—Fiscal Analysis

(a) All general bills affecting revenues, expenditures, or fiscal liability shall be accompanied by a fiscal analysis upon being reported favorably by the Fiscal Council or a standing fiscal committee.

(b) If any bill with a fiscal impact is reported favorably by the Fiscal Council or any standing fiscal committee without a fiscal analysis having been prepared, it shall be the right of any member to raise a point of order on second reading and the Speaker may order the bill recommitted to the Fiscal Council.

(c) Fiscal analyses shall state in dollars the estimated increase or decrease in revenues or expenditures and the present and future fiscal implication of the bill. A fiscal analysis shall be regarded as a memorandum of factual information and may be included within the body of the bill analysis that accompanies the bill, which statement shall be made available to members.

(d) The fiscal analysis portion of the bill analysis shall not express comment or opinion relative to the merits of the legislation proposed, but should point out technical or mechanical defects.

(e) The accuracy of a fiscal analysis shall not be a basis for a point of order under these rules. A fiscal analysis prepared for a House bill may be presumed as prepared also for its Senate companion.

7.22—Council, Committee, and Subcommittee Amendments

(a) Councils, committees, and subcommittees may only consider amendments presented in final written form prior to adoption.

(b) Any member may offer an amendment to a bill being considered by any council, committee, or subcommittee of the House and shall be recognized to introduce and close on the amendment. If not appointed to the council, committee, or subcommittee, a member who offers an amendment must comply with the amendment filing deadline and must be present at the meeting. If such member is not present, the amendment may be considered only if taken up and offered by a member who is appointed to the council, committee, or subcommittee.

(c) During the first 45 calendar days of a regular session, the filing deadline for amendments to be offered in a council, committee, or subcommittee by non-appointed members shall be 5 p.m., 1 day (excluding Saturday and Sunday) in advance of the council, committee, or subcommittee meeting. After the 45th day and during any extended session, such amendments shall be filed 2 hours before the council, committee, or subcommittee meeting. Amendments introduced by council, committee, or subcommittee members, including *ex officio* members, shall not be subject to these filing deadlines and may be offered at any time during consideration of a bill.

(d) Councils and committees shall propose revisions to House bills only in the form of a single amendment. The amendment shall be made up of the text of the bill with recommended changes engrossed. Such a measure shall be known as a council or committee substitute and shall be treated as the bill. A council or committee of later reference shall address itself for purposes of amendment to the most recently adopted council or committee substitute, if one accompanies the pending measure. An earlier council or committee substitute shall be laid on the table upon adoption of a council or committee substitute by a later council or committee of reference.

7.23—Council and Committee Information Records; Designation of Committee Bill Cosponsors

(a) A council, in introducing a House combined bill, shall submit a Council Information Record; and a committee, in introducing a committee bill or a House combined bill, shall submit a Committee Information Record.

(b) In introducing a committee bill, the Chair shall designate a member of the committee as cosponsor, with the approval of such member, and may designate other members of the committee as cosponsors, with their approval.

Part Three—Conference Committees

7.24—Conference Committee Meetings; Procedures

(a) Meetings of conference committees shall be open to the public at all times, subject to the authority of the Chair to maintain order and decorum. Once appointed, the conference committee shall determine its procedures.

(b) The Chair of any conference committee shall give notice at least 2 hours prior to the meeting and after the 50th day of a regular session or during any extended or special session 1 hour's notice of intention to meet.

7.25—Composition of Conference Committee

(a) A conference committee shall consist of managers from each house. The Speaker shall appoint the House managers of all conference committees. The Speaker shall determine the number as need appears and shall appoint no less than a majority who generally supported the House position as determined by the Speaker. In addition, the Speaker shall name the House Chair of each conference committee and may also name the House Vice Chair. The Speaker shall give notice of such appointments in writing to the Clerk for publication in the *Journal*.

(b) The conference committee shall select one of its members to preside. A conference committee report shall require the affirmative votes of a majority of the managers from each house.

7.26—Presentation of Conference Committee Report

(a) The receiving of conference committee reports shall always be in order, except when the House is voting on any proposition. When a conference committee report is presented to the House, the sequence shall be:

(1) The vote first shall be on whether the report shall be considered at that time.

(2) The next vote shall be on acceptance or rejection of the report in its entirety. The report must be acted upon as a whole, being agreed to or disagreed to in its entirety.

(3) The final vote shall be a roll call on the passage of the bill as amended by the report.

(b) If either paragraph (a)(2) or paragraph (a)(3) fails, the report shall be automatically recommitted to the conference committee. If a motion to reconsider is made, the vote first would be on paragraph (a)(2) and then on paragraph (a)(3).

7.27—Form of Conference Committee Report

(a) When a conference committee has redrafted a bill, the committee shall report an amendment removing everything after the enacting clause, together with an appropriate title amendment if needed.

(b) Each conference committee report must be accompanied by a statement, written or oral, to inform the House of the effect of the report on the measure to which it relates.

7.28—Time Restraints on Conference Committees

(a) During the first 54 calendar days of a regular session, it shall be a motion of highest privilege either to discharge the House managers and appoint new House managers or to instruct the House managers after House and Senate managers have been appointed for 7 calendar days and have failed to report.

(b) During the last 6 calendar days of a regular session, it shall be a motion of highest privilege either to discharge the House managers and appoint new House managers or to instruct the House managers after House and Senate managers have been appointed for 36 hours and have failed to report.

7.29—When Managers Are Unable to Agree

When a conference committee is appointed in reference to any bill and the House managers report inability to agree, no action of the House taken prior to such appointment shall preclude further action by the House as the House may determine.

Part Four—Oversight Powers and Responsibilities

7.30—Oversight Powers and Responsibilities of Councils, Committees, and Subcommittees

(a) Councils, committees, and subcommittees are authorized:

(1) To maintain a continuous review of the work of the state agencies concerned with their subject areas and the performance of the functions of government within each subject area;

(2) To invite public officials, public employees, and private individuals to appear before the councils, committees, or subcommittees to submit information;

(3) To request reports from departments performing functions reasonably related to the committees' jurisdictions;

(4) To complete the interim projects assigned by the Speaker; and

(5) To conduct such other business as directed by the Speaker.

(b) In order to carry out its duties, each council, committee, or subcommittee has the reasonable right and authority to inspect and investigate the books, records, papers, documents, data, operation, and physical plant of any public agency in this state.

(c) In order to carry out the duties of the council, committee, or subcommittee, the Chair of the council or committee may issue subpoenas *duces tecum*, as provided in Rule 16.1, and other necessary process to compel the attendance of witnesses either before the council, committee, or subcommittee or at deposition and the production of any books, letters, or other documentary evidence required by such council or committee. Any member of a council, committee, or subcommittee may administer all oaths and affirmations.

RULE EIGHT

DEBATE AND CHAMBER PROTOCOL

Part One—Privilege of the Floor

8.1—Privilege of the Floor

(a) Only present members of the House and of the Senate, and contestants in election cases during the pendency of their cases in the House, shall be admitted during regular daily sessions to the Chamber of the House.

(b) The Governor, the Lieutenant Governor, Cabinet members, Justices of the Supreme Court, members of Congress, visiting dignitaries, official guests, and former members of the Legislature who are not interested in any claim or directly in any bill pending before the Legislature may be granted the privilege of the floor by the House.

(c) House employees may be admitted to the Chamber as determined by the Speaker.

(d) Persons granted the privilege of the floor may not lobby the members while the House is in session, unless by motion granted leave to address the House.

(e) When the House is in session, all persons in the House Chamber shall be dressed in proper business attire.

Part Two—Speaking

8.2—Addressing the House; Requirements to Spread Remarks Upon the Journal

(a) When a member desires to speak or deliver any matter to the House, the member shall rise and respectfully address the Speaker as "Mr. (or Madam) Speaker" and shall confine all remarks to the question under debate, avoiding personalities. Once recognized, a member may speak from the member's desk or may, with the Speaker's permission, speak from the well.

(b) Any motion to spread remarks upon the *Journal*, except those of the Governor or the Speaker, shall be referred to the Chair of the Rules & Calendar Council for recommendation before being put to the House.

8.3—When Two Members Rise at Once

When two or more members rise at once, the Speaker shall name the one who is to speak first. This decision shall be final and not open to debate or appeal.

8.4—Recognition of Members

There shall be no appeal from the Speaker's recognition, but the Speaker shall be governed by the rules and usage in priority of entertaining motions from the floor. When a member seeks recognition, the Speaker may ask, "For what purpose does the member rise?" or "For what purpose does the member seek recognition?"

8.5—Recognition of Gallery Visitors and Physician of the Day

On written request by a member, on a form prescribed by the Clerk, the Speaker may recognize or permit the member to recognize any person or persons in the gallery. After granting a request for recognition, the Speaker shall afford that recognition at a convenient place in the order of business, considering the need for order and decorum and the need for continuity of debate. At an appropriate time during proceedings on the floor, the Speaker may recognize a Physician of the Day.

Part Three—Debate

8.6—Decorum

The members shall attend to the debates unless necessarily prevented, and no member shall stand between the Speaker and a member recognized to speak.

8.7—Speaking and Debate; Right to Close

(a) A member may not speak more than once nor occupy more than 15 minutes in debate on any question. A member who has the floor may not be interrupted by another member for any purpose, save the privilege of the House, unless he or she consents to yield to the other member. A member desiring to interrupt another in debate should first address the Speaker for the permission of the member speaking. The Speaker shall then ask the member who has the floor if he or she wishes to yield, and then announce the decision of that member. Whether to yield shall be entirely within the speaking member's discretion; however, this subsection shall not deprive the first-named sponsor or mover of the right to close when the effect of an amendment or motion would be to kill the bill, amendment, or motion.

(b) Debate may not be disguised in the form of a question.

8.8—Right to Open and Close Debate

The member presenting a motion shall have the right to open and close the debate, and for this purpose may speak each time up to 10 minutes, unless otherwise limited by majority vote of the House, notwithstanding the limitation in Rule 8.7(a).

Part Four—Materials and Meals in Chamber**8.9—Distribution of Materials in Chamber; Meals in Chamber**

(a) The following constitutes policy regarding material distributed to the general membership through the Sergeant at Arms' Office and pages:

(1) All material prior to such distribution must be approved by the Chair of the Rules & Calendar Council.

(2) The following official materials are approved: House and Senate bills, resolutions, memorials, and amendments thereto, and official calendars and journals; council, committee, and subcommittee meeting notices; communications from the Speaker and Clerk and official communications from the Senate; and official staff reports of councils or standing or select committees or of the majority or minority parties.

(b) Meals will not be allowed on the floor without concurrence of a majority vote. This shall not be construed to prevent the serving of drinks such as juices, coffee, tea, soft drinks, milk, and the like.

Part Five—Miscellaneous Papers**8.10—Miscellaneous Papers**

Papers of a miscellaneous nature addressed to the House may, at the discretion of the Speaker, be read, noted in the *Journal*, or filed with the appropriate committee. When the reading of a paper other than one upon which the House is called to give a final vote is demanded, and such reading is objected to by any member, it shall be determined without debate by the House by a majority vote.

RULE NINE**VOTING****9.1—Members Shall Vote**

Every member shall be within the House Chamber during its sittings, unless excused or necessarily prevented, and shall vote on each question put.

9.2—Taking the Yeas and Nays

The Speaker shall declare all votes, but if any member rises to doubt a vote, upon a showing of hands by five members, the Speaker shall take the sense of the House by oral or electronic roll call. When taking the yeas and nays on any question, the electronic roll-call system may be used and when so used shall have the force and effect of a roll call taken as provided in these rules. This system likewise may be used to determine the presence of a quorum. When

the House is ready to vote upon a question requiring roll call, and the vote is by electronic roll call, the Speaker shall say, "The question now recurs on (designating the matter to be voted upon). The Clerk will unlock the machine and the House will proceed to vote." When sufficient time has elapsed for each member to vote, the Speaker shall ask, "Have all members voted?" After a short pause the Speaker shall say, "The Clerk will lock the machine and record the vote." When the vote is completely recorded, the Speaker shall announce the result to the House, and the Clerk shall record the action upon the *Journal*.

9.3—Vote of the Speaker or Temporary Presiding Officer

The Speaker or temporary presiding officer is not required to vote in legislative proceedings other than on final passage of a bill, except when the Speaker's or temporary presiding officer's vote would be decisive. In all yea and nay votes, the Speaker's or temporary presiding officer's name shall be called last. With respect to voting, the Speaker or temporary presiding officer is subject to the same disqualification and disclosure requirements as any other member.

9.4—Votes After Roll Call; Finality of a Roll Call Vote

(a) After the result of a roll call has been announced, a member may submit to the Clerk an indication of how the member would have voted or would have voted differently. The Clerk shall provide forms for the recording of these actions. When timely made, these requests shall be shown beneath the roll call in the *Journal*. Otherwise, the request shall be shown separately in the *Journal*.

(b) In no instance, other than by reason of an electronic or mechanical malfunction, shall the result of a voting machine roll call on any question be changed.

9.5—No Member to Vote for Another Except by Request

(a) No member may vote for another member except at the other member's specific request when absent from his or her seat but present elsewhere in the Chamber, nor may any person who is not a member cast a vote for a member.

(b) In no case shall a member vote for another on a quorum call.

(c) Any member who votes or attempts to vote for another member in violation of this rule may be disciplined in such a manner as the House may deem proper.

(d) Any person who is not a member and who votes in the place of a member shall be subject to such discipline as the House may deem proper.

9.6—Explanation of Vote

A member may not explain his or her vote during a roll call, but may reduce his or her explanation to writing, in not more than 200 words in an electronic format. Upon being filed with the Clerk, this explanation shall be spread upon the *Journal*.

RULE TEN**ORDER OF BUSINESS AND CALENDARS****Part One—Order of Business****10.1—Daily Sessions**

The House shall meet each legislative day at 9 a.m. or as stated in the motion adjourning the House on the prior legislative day on which the House met.

10.2—Daily Order of Business

(a) When the House convenes on a new legislative day, the daily order of business shall be as follows:

1. Call to Order
2. Prayer
3. Roll Call
4. Pledge of Allegiance

5. Correction of the *Journal*
6. Communications
7. Messages from the Senate
8. Reports of Councils and Standing Committees
9. Reports of Select Committees
10. Motions Relating to Council and Committee References
11. Matters on Reconsideration
12. Bills and Joint Resolutions on Third Reading
13. Special Orders
14. House Resolutions
15. Unfinished Business
16. Introduction and Reference.

(b) During special sessions, the order of business of Introduction and Reference shall be called for immediately following the order of business of Correction of the *Journal*.

(c) Within each order of business, matters shall be considered in the order in which they appear on the daily printed Calendar of the House.

(d) After the 45th day of a regular session, by a majority vote, the House may, on motion of the Chair or Vice Chair of the Rules & Calendar Council, move to Communications, Messages from the Senate, Bills and Joint Resolutions on Third Reading, or Special Orders. The motion may provide which matter on such order of business may be considered.

10.3—Chaplain to Offer Prayer

A chaplain shall attend at the beginning of each day's sitting of the House and open the same with prayer. In the absence of a chaplain, the Speaker may designate someone else to offer prayer.

10.4—Quorum

A majority of the membership of the House shall constitute a quorum to conduct business.

10.5—Consideration of Senate Messages: Generally

Senate messages may be considered by the House at the time and in the order determined by the Speaker.

Part Two—Readings

10.6—"Reading" Defined

"Reading" means the stage of consideration of a bill, resolution, or memorial after reading of a portion of the title sufficient for identification, as determined by the Speaker.

10.7—Reading of Bills and Joint Resolutions

Each bill and each joint resolution shall be read on 3 separate days prior to a vote upon final passage unless this rule is waived by a two-thirds vote, provided the publication of a bill or joint resolution by its title in the *Journal* shall satisfy the requirements of first reading.

10.8—Reading of Concurrent Resolutions and Memorials

Concurrent resolutions and memorials shall be read on 2 separate days prior to a voice vote upon adoption, except that concurrent resolutions extending a legislative session or involving other procedural legislative matters may be read twice without motion on the same legislative day.

10.9—Reading of House Resolutions

(a) A House resolution shall receive two readings by title only prior to a voice vote upon adoption.

(b) Ceremonial resolutions may be shown as read and adopted by publication in full in the *Journal* in accordance with Rule 10.16.

10.10—Measures on Third Reading

(a) Bills on third reading shall be taken up in the order in which the House concluded action on them on second reading.

(b) Before any bill shall be read the third time, whether amended or not, it shall be referred without motion to the Engrossing Clerk for examination and, if amended, the engrossing of amendments. In the case of any Senate bill amended in the House, the amendment adopted shall be reproduced and attached to the bill amended in such manner that it will not be lost therefrom.

(c) A bill shall be deemed on its third reading when it has been read a second time on a previous day and has no motion left pending.

Part Three—Calendars

10.11—Special Order Calendar

(a) REGULAR SESSION

(1) The Rules & Calendar Council shall periodically submit, as needed, a Special Order Calendar determining the sequence for consideration of legislation. The Special Order Calendar may include bills on second reading, bills on unfinished business, resolutions, and specific sections for local bills, trust fund bills, and bills to be taken up at a time certain. Upon adoption of a Special Order Calendar, no other bills shall be considered for the time period set forth for that Special Order Calendar, except that any bill appearing on that Special Order Calendar may be stricken from it by a majority vote or any bill may be added to it pursuant to Rule 10.12. A previously adopted Special Order Calendar shall expire upon adoption by the House of a new Special Order Calendar.

(2) Any council, committee, or member may apply in writing to the Chair of the Rules & Calendar Council to place a bill on the Special Order Calendar. The Rules & Calendar Council may grant such requests by a majority vote.

(3) During the first 55 days of a regular session, the Special Order Calendar shall be published in two Calendars of the House, and it may be taken up on the day of the second published Calendar. After the 55th day of a regular session, the Special Order Calendar shall be published in one Calendar of the House and may be taken up on the day the Calendar is published.

(b) EXTENDED OR SPECIAL SESSION

(1) If the Legislature extends a legislative session, all bills on the Calendar of the House at the time of expiration of the regular session shall be placed in the Rules & Calendar Council.

(2) During any extended or special session, all bills upon being reported favorably by the last council or committee of reference shall be placed in the Rules & Calendar Council.

(3) During any extended or special session, the Rules & Calendar Council shall establish a Special Order Calendar and only those bills on such Special Order Calendar shall be placed on the Calendar of the House.

(4) During any extended or special session, the Special Order Calendar shall be published in one Calendar of the House and bills thereon may be taken up on the day the Calendar is published.

10.12—Consideration of Bills Not on Special Order

A bill not included on the Special Order Calendar may be considered by the House upon a two-thirds vote.

10.13—Consent Calendar

The Rules & Calendar Council may submit Consent Calendar procedures to expedite the consideration of noncontroversial legislation.

10.14—Requirements for Placement on Special Order

No measure may be placed on a Special Order Calendar until it has been reported favorably by each council and committee of reference and is available for consideration on the floor.

10.15—Informal Deferral of Bills

Whenever the member who introduced a bill, the first-named member sponsor of a committee bill, or the lead sponsor of a House combined bill is absent from the Chamber when the bill has been reached in the regular order on second or third reading, consideration shall be informally deferred until such member's return, unless another member consents to offer the bill on behalf of the original member. The bill shall retain its position on the Calendar of the House during the same legislative day. The member shall have the responsibility of making the motion for its subsequent consideration.

Part Four—Ceremonial Resolutions**10.16—Ceremonial Resolutions Published in *Journal***

Upon approval of the Chair of the Rules & Calendar Council, a ceremonial resolution may be shown as read and adopted by publication in full in the *Journal*. The Rules & Calendar Council shall distribute a list of such resolutions 1 day (excluding Saturday and Sunday) prior to the day of their publication, during which time any member may file an objection with the Rules & Calendar Council to any resolution listed. Each resolution for which an objection has been filed shall be removed from the list and placed on the Calendar of the House. All resolutions without objections shall be printed on the next legislative day in the *Journal* and considered adopted by the House.

Part Five—Procedural Limitations in Final Week**10.17—Consideration Limits to Bills After Day 55**

After the 55th calendar day of a regular session, no House bills on second reading may be taken up and considered by the House.

10.18—Consideration Limits After Day 58

After the 58th calendar day of a regular session, the House may consider only:

- (a) Senate messages
- (b) Conference reports
- (c) Concurrent resolutions.

RULE ELEVEN**MOTIONS****11.1—Motions; How Made**

Every motion shall be made orally, except when requested by the Speaker to be reduced to writing.

11.2—Precedence of Motions During Debate

(a) When a question is under debate, the Speaker shall receive no motion except:

- (1) To adjourn at a time certain
 - (2) To adjourn
 - (3) To recess to a time certain
 - (4) To lay on the table
 - (5) To reconsider
 - (6) For the previous question
 - (7) To limit debate
 - (8) To temporarily postpone
 - (9) To postpone to a time or day certain
 - (10) To refer to or to recommit to council or committee
 - (11) To amend
 - (12) To amend by removing the enacting or resolving clause.
- (b) Such motions shall have precedence in the descending order given.

11.3—Questions of Order Decided Without Debate

All procedural questions of order, arising after a motion is made for any of the motions named in Rule 11.2 and pending that motion, shall be decided by the Speaker without debate, whether on appeal or otherwise; however, the Speaker may ask the House for comment.

11.4—Division of Question

Any member may call for a division of a question when the sense will admit of it. A motion to remove and insert shall be deemed indivisible. A motion to remove, being lost, shall preclude neither amendment nor a motion to remove and insert.

11.5—Motion to Recess to a Time Certain

A motion to recess to a time certain shall be treated the same as a motion to adjourn, except that the motion is debatable when no business is before the House and can be amended as to the time to recess and duration of the recess. It yields only to a motion to adjourn.

11.6—Motion to Lay on the Table

A motion to lay on the table is not debatable and cannot be amended; however, before the motion is put, the first-named sponsor of a bill or the mover of a debatable motion shall be allowed 5 minutes within which to discuss the same and may divide the time with, or waive this right in favor of, some other member. A motion to table a main question requires a majority vote. A motion to lay an amendment on the table, if adopted, does not carry with it the measure to which it adheres. A motion to lay an amendment on the table may be adopted by a majority vote.

11.7—Motion to Reconsider; Immediate Certification of Bills

(a) When a motion or main question has been made and carried or lost, it shall be in order at any time as a matter of right on the same or succeeding legislative day for a member voting with the prevailing side, or for any member in the case of a voice or tie vote, to move for reconsideration thereof.

(b) When a majority of members vote in the affirmative but the proposition is lost because it is one in which the concurrence of a greater number than a majority is necessary for adoption or passage, any member may move for a reconsideration.

(c) The motion to reconsider shall require a majority vote for adoption, and such motion shall not be renewed on any proposition, after once being considered by vote of the House, except by unanimous consent.

(d) Debate shall be allowed on a motion to reconsider only when the question that it is proposing to reconsider is debatable. When debate upon a motion to reconsider is in order, no member shall speak thereon more than once or for more than 5 minutes.

(e) The adoption of a motion to reconsider a vote upon any secondary matter shall not remove the main subject under consideration from consideration of the House.

(f) A motion to reconsider a collateral matter must be disposed of at once during the course of the consideration of the main subject to which it is related, and such motion shall be out of order after the House has passed to other business.

(g) No bill referred or recommitted to a council or committee by a vote of the House shall be brought back into the House on a motion to reconsider.

(h) The Clerk shall retain possession of all bills and joint resolutions for the period after passage during which reconsideration may be moved, except that local bills, concurrent resolutions, and memorials shall be transmitted to the Senate without delay.

(i) The adoption of a motion to waive the rules and immediately certify any bill to the Senate shall be construed as releasing the measure from the Clerk's possession for the period of reconsideration.

(j) Unless otherwise directed by the Speaker, during the last 14 days of a regular session or any extensions thereof and during any special session, all measures acted on by the House shall be transmitted to the Senate without delay.

11.8—Motion for the Previous Question

(a) The previous question may be asked and ordered upon any debatable single motion, series of motions, or amendment pending and the effect thereof shall be to conclude all action on the same day. If third reading is reached on another day, the order for the previous question must be renewed on that day.

(b) The motion for the previous question shall be decided without debate. If the motion prevails, the sponsor of a bill or debatable motion and an opponent shall be allowed 3 minutes each within which to debate the pending question, and each may divide the time with, or waive this right in favor of, some other member. On second reading the final available question is the main amendment; on third reading it is the bill.

(c) When the motion for the previous question is adopted on a main question, the sense of the House shall be taken without delay on pending amendments and such question in the regular order.

(d) The motion for the previous question may not be made by the first-named sponsor or mover.

11.9—Motion to Limit Debate

When there is debate by the House, it shall be in order for a member to move to limit debate and such motion shall be decided without debate, except that the first-named sponsor or mover of the question under debate shall have 5 minutes within which to discuss the motion and may divide the allotted time with, or waive it in favor of, some other member. If, by majority vote, the question is decided in the affirmative, debate shall be limited to 10 minutes for each side, unless a greater time is stated in the motion, such time to be apportioned by the Speaker; however, the first-named sponsor or mover shall have an additional 5 minutes within which to close the debate and may divide the allotted time with, or waive it in favor of, some other member.

11.10—Motion to Temporarily Postpone

The motion to temporarily postpone shall be decided without debate and shall cause a measure to be set aside but retained on the desk. If a main question has been temporarily postponed after having been debated or after motions have been applied and is not brought back before the House on the same legislative day, it shall be placed under the order of unfinished business on the Calendar of the House. If a main question is temporarily postponed before debate has commenced or motions have been applied, its reading shall be considered a nullity and the bill shall retain its original position on the order of business. The motion to return to consideration of a temporarily postponed main question shall be made under the proper order of business when no other matter is pending. If applied to a collateral matter, the motion to temporarily postpone shall not cause the main question to be carried with it. After having been temporarily postponed, if a collateral matter is not brought back before the House in the course of consideration of the adhering or main question, it shall be deemed abandoned.

11.11—Motions to Withdraw or Refer Bills

(a) A motion to withdraw a bill from council or committee shall require a two-thirds vote.

(b) A motion to withdraw a bill from subcommittee shall require a majority vote of the parent committee and may be made any time prior to a report having been voted in the subcommittee.

(c) Any member may, no later than under the order of business of Motions Relating to Council and Committee References on the legislative day following reference of a bill, move for reference from one council or committee to a different council or committee, which shall be decided by a majority vote.

(d) A motion to refer a bill from one council or committee to another council or committee other than as provided in subsection (c), may be made during the regular order of business and shall require a two-thirds vote.

(e) A motion to refer a bill to an additional committee may be made during the regular order of business and shall require a two-thirds vote.

(f) A motion to refer shall be debated only as to the propriety of the reference.

(g) A motion to withdraw a bill from further consideration of the House shall require a two-thirds vote.

(1) The Chair or Vice Chair of the Rules & Calendar Council, at the request of the first-named member sponsor, may move for the withdrawal of a bill from further consideration.

(2) The first-named member sponsor of a bill may, prior to its introduction, withdraw the bill by letter to the Clerk.

(3) In moving for the withdrawal of a bill from further consideration by floor motion, the introducer shall be required to identify the nature of the bill.

11.12—Motion to Recommit

(a) After a council or committee reports favorably on a bill, the bill may be recommitment by the House to a council or committee by a majority vote.

(b) A motion to recommit to council or committee a bill that is before the House may be made during the regular order of business. The motion shall be debatable only as to the propriety of that reference and shall require an affirmative majority vote.

(c) If a bill on third reading is recommitted to a council or committee and the council or committee reports the bill favorably with council or committee substitute or with one or more amendments, the bill shall return to second reading.

(d) Recommitment of a House bill shall automatically carry with it a Senate companion bill then on the Calendar of the House.

11.13—Dilatory Motions

Dilatory or delaying motions shall not be in order as determined by the Speaker.

11.14—Withdrawal of Motions

The mover of a motion may withdraw the motion at any time before it has been amended or a vote on it has commenced.

RULE TWELVE**AMENDMENTS****12.1—Form**

Floor amendments and council and committee substitutes shall be prepared by the House Bill Drafting Service and filed with the Clerk.

12.2—Filing Deadlines for Floor Amendments

(a) During the first 55 calendar days of a regular session:

(1) Main floor amendments must be approved for filing with the Clerk by 2 p.m. of the first day a bill appears on the Special Order Calendar in the Calendar of the House; and

(2) Amendments to main floor amendments and substitute amendments for main floor amendments must be approved for filing by 5 p.m. of the same day.

(b) After the 55th day of a regular session and during any extended or special session:

(1) Main floor amendments must be approved for filing with the Clerk not later than 2 hours before session is scheduled to convene on the day a bill appears on the Special Order Calendar in the Calendar of the House; and

(2) Amendments to main floor amendments and substitute amendments for main floor amendments must be approved for filing not later than 1 hour after the main floor amendment deadline.

(c) A late-filed floor amendment may be taken up for consideration only upon motion adopted by a two-thirds vote.

12.3—Presentation and Consideration

(a) Amendments shall be taken up only as sponsors gain recognition from the Speaker to move their adoption, except that the Chair of the council or committee (or any member thereof designated by the Chair) reporting the measure under consideration shall have preference for the presentation of council or committee amendments to Senate bills.

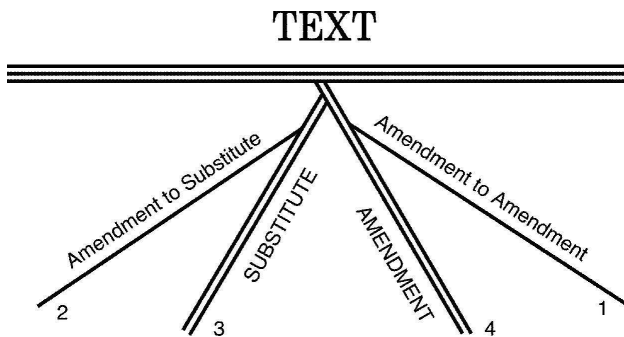
(b) If a council or committee substitute accompanies a bill, it shall be considered as the original bill for purposes of further amendment. Floor amendments shall be drawn to the council or committee substitute.

(c) An amendment to a pending main amendment may be received, but until it is disposed of no other motion to amend will be in order except a substitute amendment or an amendment to the substitute. Such amendments are to be disposed of in the following order:

(1) Amendments to the amendment are voted on before the substitute is taken up. Only one amendment to the amendment is in order at a time.

(2) Amendments to the substitute are next voted on.

(3) The substitute then is voted on. The adoption of a substitute amendment in lieu of an original amendment shall be treated and considered as an amendment to the bill itself.



(d) The adoption of an amendment to a section shall not preclude further amendment of that section. If a bill is being considered section by section or item by item, only amendments to the section or item under consideration shall be in order.

(e) For the purpose of this rule, an amendment shall be deemed pending only after its proposer has been recognized by the Speaker and has moved its adoption.

(f) Reviser's bills may be amended only by making deletions.

12.4—Second and Third Reading; Vote Required on Third Reading

(a) A motion to amend is in order during the second or third reading of any bill.

(b) Amendments proposed on third reading shall require a two-thirds vote for adoption, except that technical amendments introduced in the name of the Rules & Calendar Council shall require a majority vote for adoption.

(c) A motion for reconsideration of an amendment on third reading requires a two-thirds vote for adoption.

12.5—Amendment of General Appropriations Bill

Whenever an amendment is offered to a general appropriations bill that would increase any line item of such bill, such amendment shall show the amount by line item of the increase and shall, from within the jurisdiction of the same standing fiscal committee, decrease a line item or items in an amount or amounts equivalent to or greater than the increase required by the amendment.

12.6—Consideration of Senate Amendments

(a) After the reading of a Senate amendment to a House bill, the following motions shall be in order and shall be privileged in the order named:

- (1) Amend the Senate amendment
- (2) Concur in the Senate amendment
- (3) Refuse to concur and ask the Senate to recede

(4) Request the Senate to recede and, failing to do so, to appoint a conference committee to meet with a like committee appointed by the Speaker.

(b) If the Senate refuses to concur in a House amendment to a Senate bill, the following motions shall be in order and shall be privileged in the order named:

- (1) That the House recede
- (2) That the House insist and ask for a conference committee
- (3) That the House insist.

(c) The Speaker may, upon determining that a Senate amendment substantially changes the bill as passed by the House, refer the Senate message, with the bill and Senate amendment or amendments, to the appropriate House council or committee for review and report to the House. The Speaker, upon such reference, shall announce the date and time for the council or committee to meet. The council or committee shall report to the House the recommendation for disposition of the Senate amendment or amendments under one of the four options presented in subsection (a). The report shall be furnished to the Clerk and to the House, in writing, by the Chair of the reporting council or committee.

12.7—Motion to Amend by Removing Enacting or Resolving Clause

An amendment to remove the enacting clause of a bill or the resolving clause of a resolution or memorial shall, if carried, be considered as equivalent to rejection of the bill, resolution, or memorial by the House.

12.8—Germanity of House Amendments

(a) GERMANITY

(1) Neither the House nor any council, committee, or subcommittee shall consider an amendment that relates to a different subject or is intended to accomplish a different purpose than that of the pending question or that, if adopted, would require a title amendment for the bill that is substantially different from the bill's original title or that would unreasonably alter the nature of the bill.

(2) The Speaker, or the Chair in the case of an amendment offered in council, committee, or subcommittee, shall determine the germanity of any amendment when the question is timely raised.

(3) An amendment of the second degree or a substitute amendment must be germane to both the main amendment and the measure to which it adheres.

(b) AMENDMENTS THAT ARE NOT GERMANE. House amendments that are not germane include:

(1) A general proposition amending a specific proposition

(2) An amendment amending a statute or session law when the purpose of the bill is limited to repealing such law, or an amendment repealing a statute or session law when the purpose of the bill is limited to amending such law

(3) An amendment that substantially expands the scope of the bill

(4) An amendment to a bill when legislative action on that bill is by law or these rules limited to passage, concurrence, or non-concurrence as introduced.

(c) AMENDMENTS THAT ARE GERMANE. Amendments that are germane include:

(1) A specific provision amending a general provision

(2) An amendment that accomplishes the same purpose in a different manner

(3) An amendment limiting the scope of the proposal

(4) An amendment providing appropriations necessary to fulfill the original intent of a proposal

(5) An amendment that changes the effective date of a repeal, reduces the scope of a repeal, or adds a short-term nonstatutory transitional provision to facilitate repeal.

(d) WAIVER OF RULE. Waiver of this rule shall require unanimous consent of the House.

12.9—Amendments Out of Order

An amendment is out of order if it is the principal substance of a bill that has:

- (a) Received an unfavorable council or committee report
- (b) Been withdrawn from further consideration
- (c) Not been reported favorably by at least one committee of reference

and may not be offered to a bill on the Calendar of the House and under consideration by the House. Any amendment that is substantially the same, and identical as to specific intent and purpose, as the measure residing in the council or committee(s) of reference is covered by this rule.

12.10—Printing of Amendments in *Journal*

All amendments taken up, unless withdrawn, shall be printed in the *Journal*, except that an amendment to a general appropriations bill constituting an entirely new bill shall not be printed except upon consideration of the conference committee report.

RULE THIRTEEN

RULES

13.1—Initial Adoption of Rules of the House

The initial adoption of the Rules of the House shall require a majority vote. Once adopted, the Rules of the House shall remain in effect, unless waived or amended as provided in these rules.

13.2—Waiver of Rules of the House

Any rule of the House, except a rule requiring unanimous consent, may be waived by a two-thirds vote; however, the waiver shall apply only to the matter under immediate consideration and shall not extend beyond adjournment of a legislative day.

13.3—Amending Rules of the House

No rule of the House may be amended except by a report or resolution from the Rules & Calendar Council adopted by the House by a majority vote. A report or resolution of the Rules & Calendar Council proposing amendments to these rules is always in order; however, any amendment of such a report or resolution prior to its adoption requires a two-thirds vote.

13.4—Parliamentary Authorities

In all cases not provided for by the Florida Constitution, the Rules of the House, or the Joint Rules of the Senate and House, the guiding, but nonbinding, authority shall be first the Rulings of the Speaker and then the latest edition of *Mason's Manual of Legislative Procedure*.

13.5—Majority Action

Unless otherwise indicated by these rules, all action by the House or its councils, committees, or subcommittees shall be by majority vote of those members present and voting. When the body is equally divided, the question is defeated.

13.6—Extraordinary Action

Unless otherwise required by these rules or the Florida Constitution, all extraordinary votes shall be by vote of those members present and voting.

13.7—"Days" Defined

Wherever used in these rules, a "legislative day" means a day when the House convenes and a quorum is present. All other references to a "day" mean a calendar day.

RULE FOURTEEN

MISCELLANEOUS PROVISIONS

Part One—Public Records

14.1—Legislative Records

There shall be available for public inspection, whether maintained in Tallahassee or in a district office, the papers and records developed and received in connection with official legislative business, except as provided in section 11.0431, Florida Statutes, or other provision of law. Any person who is denied access to a legislative record and who believes that he or she is wrongfully being denied such access may appeal the decision to deny access to the Speaker.

14.2—Legislative Records; Maintenance, Control, Destruction, Disposal, and Disposition

(a) Records that are required to be created by these rules or that are of vital, permanent, or archival value shall be maintained in a safe location that is easily accessible for convenient use. No such record need be maintained if the substance of the record is published or retained in another form or location. Whenever necessary, but no more often than annually or less often than biennially, records required to be maintained may be archived.

(b) Other records that are no longer needed for any purpose and that do not have sufficient administrative, legal, or fiscal significance to warrant their retention shall be disposed of systematically.

(c)(1) The council or committee administrative assistant for each existing council or committee shall ensure compliance with this rule for all records created or received by the council or committee or for a former council or committee whose jurisdiction has been assigned to the council or committee.

(2) The Speaker, the Speaker pro tempore, the Minority Leader, the Majority Leader, and the Sergeant at Arms shall ensure compliance with this rule for all records created or received by their respective offices and their predecessors in office.

(3) Each member shall ensure compliance with this rule for all records created or received by the member or the member's district office.

(4) The director of an ancillary House office shall ensure compliance with this rule for all records created or received by the director's office.

(5) The Clerk shall ensure compliance with this rule for all other records created or received by the House of Representatives.

(d) If a council, committee, or office is not continued in existence, the records of such council, committee, or office shall be forwarded to the council, committee, or office assuming the jurisdiction or responsibility of the former council, committee, or office, if any. Otherwise, such records shall be forwarded to the Clerk.

(e) The Clerk shall establish a schedule of reasonable and appropriate fees for copies of legislative records and documents.

Part Two—Distribution of Documents; Display of Signs

14.3—Distribution of Documents

Documents required by these rules to be printed or published may be produced and distributed on paper or in electronic form.

14.4—Display of Signs, Placards, and the Like

Signs, placards, or other objects of similar nature shall be permitted in the rooms, lobby, galleries, or Chamber of the House only upon approval of the Chair of the Rules & Calendar Council.

Part Three—House Seal

14.5—House Seal

(a) REQUIREMENT. There shall be an official seal of the House of Representatives. The seal shall be used only by or on behalf of a member or officer of the House in conjunction with his or her official duties or when specifically authorized in writing by the Chair of the Rules & Calendar Council.

(b) CONFIGURATION. The seal shall be a circle having in the center thereof a view of the sun's rays over a highland in the distance, a sabal palmetto palm tree, a steamboat on the water, and a Native American female

scattering flowers in the foreground, encircled by the words “House of Representatives.”

(c) USE. Unless a written exception is otherwise granted by the Chair of the Rules & Calendar Council:

(1) Material carrying the official seal shall be used only by a member, officer, or employee of the House or other persons employed or retained by the House.

(2) The use, printing, publication, or manufacture of the seal, or items or materials bearing the seal or a facsimile of the seal, shall be limited to official business of the House or official legislative business.

(d) CUSTODIAN. The Clerk shall be the custodian of the official seal.

RULE FIFTEEN

ETHICS AND CONDUCT OF MEMBERS

15.1—Legislative Ethics and Official Conduct

Legislative office is a trust to be performed with integrity in the public interest. A member is respectful of the confidence placed in the member by the other members and by the people. By personal example and by admonition to colleagues whose behavior may threaten the honor of the lawmaking body, the member shall watchfully guard the responsibility of office and the responsibilities and duties placed on the member by the House. To this end, each member shall be accountable to the House for violations of this rule or any provision of the House Code of Conduct contained in Rules 15.1-15.7.

15.2—The Integrity of the House

A member shall respect and comply with the law and shall perform at all times in a manner that promotes public confidence in the integrity and independence of the House and of the Legislature. Each member shall perform at all times in a manner that promotes a professional environment in the House, which shall be free from unlawful employment discrimination.

15.3—Improper Influence; Solicitation or Acceptance of Campaign Contributions

(a) A member may not accept anything that reasonably may be construed to improperly influence the member’s official act, decision, or vote.

(b)(1) A member may not directly or indirectly solicit, cause to be solicited, or accept any campaign contribution during the 60-day regular legislative session or any extended or special session on the member’s own behalf, on behalf of a political party, any organization described under section 527 or section 501(c)(4) of the Internal Revenue Code, a political committee, or a committee of continuous existence, or on behalf of a candidate for the House of Representatives; however, a member may contribute to the member’s own campaign.

(2) Any fundraising activity otherwise prohibited during an extended or special session under paragraph (1) shall not be considered a violation of this rule and may take place if it can be shown that the event was already scheduled prior to the issuance of the proclamation, resolution, or other communiqué extending the session or convening a special session.

(3) Any member who directly or indirectly solicits, causes to be solicited, or accepts any contributions to an organization described under section 527 or section 501(c)(4) of the Internal Revenue Code, a political committee, or a committee of continuous existence must immediately disclose such activity to, and register with, the Rules & Calendar Council. Upon registration with the council, the member shall promptly create a public website that contains a mission statement and the names of representatives associated with the organization. All contributions received must be disclosed on the website within 10 business days after deposit, together with the name, address, and occupation of the donor. All expenditures made by the organization must be individually disclosed on the website within 10 business days after being made.

15.4—Ethics; Conflicting Employment

A member shall:

(a) Scrupulously comply with the requirements of all laws related to the ethics of public officers.

(b) Not allow personal employment to impair the member’s independence of judgment in the exercise of official duties.

(c) Not directly or indirectly receive or agree to receive any compensation for any services rendered or to be rendered either by the member or any other person when such activity is in substantial conflict with the duties of a member of the House.

15.5—Use of Official Position

A member may not corruptly use or attempt to use the member’s official position in a manner contrary to the trust or authority placed in the member, either by the public or by other members, for the purpose of securing a special privilege, benefit, or exemption for the member or for others.

15.6—Use of Information Obtained by Reason of Official Position

A member may engage in business and professional activity in competition with others but may not use or provide to others, for the member’s personal gain or benefit or for the personal gain or benefit of any other person or business entity, any information that has been obtained by reason of the member’s official capacity as a member and that is unavailable to members of the public as a matter of law.

15.7—Representation of Another Before a State Agency

A member may not personally represent another person or entity for compensation before any state agency other than a judicial tribunal. For the purposes of this rule, “state agency” means any entity of the legislative or executive branch of state government over which the Legislature exercises plenary budgetary and statutory control.

15.8—Advisory Opinions

(a) A member, when in doubt about the applicability and interpretation of these rules with respect to legislative ethics and member conduct, may convey the facts of the situation to the House general counsel for an advisory opinion. The general counsel shall issue the opinion within 10 days after receiving the request. The advisory opinion may be relied upon by the member requesting the opinion. Upon request of any member, the committee designated by the Speaker to have responsibility for the ethical conduct of members may revise an advisory opinion rendered by the House general counsel through an advisory opinion issued to the member who requested the opinion.

(b) An advisory opinion rendered by the House general counsel or the committee shall be numbered, dated, and published. Advisory opinions from the House general counsel or the committee may not identify the member seeking the opinion unless such member so requests.

15.9—Felony Indictment or Information of a Member

(a) If an indictment or information for a felony of any jurisdiction is filed against a member of the House, the member indicted or informed against may request the Speaker to excuse the member, without pay, from all privileges of membership of the House pending final adjudication.

(b) If the indictment or information is either *nolle prossed* or dismissed, or if the member is found not guilty of the felonies charged, or lesser included felonies, then the member shall be paid all back pay and other benefits retroactive to the date the member was excused.

15.10—Felony Guilty Plea of a Member

A member who enters a plea of guilty or *nolo contendere* (no contest) to a felony of any jurisdiction may, at the discretion of the Speaker, be suspended immediately, without a hearing and without pay, from all privileges of membership of the House through the remainder of that member’s term.

15.11—Felony Conviction of a Member

(a) A member convicted of a felony of any jurisdiction may, at the discretion of the Speaker, be suspended immediately, without a hearing and without pay, from all privileges of membership of the House pending appellate action or the end of the member's term, whichever occurs first.

(b) A member suspended under the provisions of this rule may, within 10 days after such suspension, file a written request for a hearing, setting forth specific reasons contesting the member's suspension. Upon receipt of a written request for a hearing, the Speaker shall appoint a select committee, which shall commence a hearing on the member's suspension within 30 days and issue a report to the House within 10 days after the conclusion of the hearing. The report of the select committee shall be final unless the member, within 10 days after the issuance of the report, requests in writing that the Speaker convene the full House to consider the report of the select committee. Upon receipt of a request for such consideration, the Speaker shall timely convene the House for such purpose.

(c) If the final appellate decision is to sustain the conviction, then the member's suspension shall continue to the end of the member's term. If the final appellate decision is to vacate the conviction and there is a rehearing, the member shall be subject to Rule 15.9. If the final appellate decision is to vacate the conviction and no felony charges remain against the member, the member shall be entitled to restitution of back pay and other benefits retroactive to the date of suspension.

RULE SIXTEEN**PROCEDURES FOR LEGAL PROCEEDINGS****Part One—Committees Conducting Legal Proceedings****16.1—Procedures for Committees Conducting Legal Proceedings****(a) ISSUANCE OF SUBPOENA**

(1) In order to carry out its duties, each standing or select committee, whenever required, may issue subpoena with the approval of the Speaker and other necessary process to compel the attendance of witnesses before such committee or the taking of a deposition pursuant to these rules. For purposes of this rule, the term "committee" includes any council. The Chair of the committee shall issue such process on behalf of the committee. The Chair or any other member of such committee may administer all oaths and affirmations in the manner prescribed by law to witnesses who shall appear before such committee for the purpose of testifying in any matter about which such committee may require evidence.

(2) Each standing or select committee, whenever required, may also compel by subpoena *duces tecum* with the approval of the Speaker the production of any books, letters, or other documentary evidence it may need to examine in reference to any matter before it. The Chair of the standing or select committee shall issue process on behalf of the standing or select committee.

(b) CONTEMPT PROCEEDINGS

(1) The House may punish, by fine or imprisonment, any person who is not a member and who is guilty of disorderly or contemptuous conduct in its presence or of a refusal to obey its lawful summons.

(2) A person shall be deemed in contempt if the person:

a. Fails or refuses to appear in compliance with a subpoena or, having appeared, fails or refuses to testify under oath or affirmation;

b. Fails or refuses to answer any relevant question or fails or refuses to furnish any relevant book, paper, or other document subpoenaed on behalf of such committee; or

c. Commits any other act or offense against such committee that, if committed against the Legislature or either house thereof, would constitute contempt.

(3) A standing or select committee may, by majority vote of all of its members, apply to the House for contempt citation. The application shall be considered as though the alleged contempt had been committed in or against

the House itself. If such committee is meeting during the interim, its application shall be made to the circuit court pursuant to subsection (f).

(4) A person guilty of contempt under this rule shall be fined not more than \$500 or imprisoned not more than 90 days or both, or shall be subject to such other punishment as the House may, in the exercise of its inherent powers, impose prior to and in lieu of the imposition of the aforementioned penalty.

(5) The sheriffs in the several counties shall make such service and execute all process or orders when required by standing or select committees. Sheriffs shall be paid as provided for in section 30.231, Florida Statutes.

(c) FALSE SWEARING. Whoever willfully affirms or swears falsely in regard to any material matter or thing before any standing or select committee is guilty of perjury in an official proceeding, which is a felony of the third degree and shall be punished as provided in section 775.082, section 775.083, or section 775.084, Florida Statutes.

(d) RIGHTS OF WITNESSES

(1) All witnesses summoned before any standing or select committee shall receive reimbursement for travel expenses and per diem at the rates provided in section 112.061, Florida Statutes. However, the fact that such reimbursement is not tendered at the time the subpoena is served shall not excuse the witness from appearing as directed therein.

(2) Service of a subpoena requiring the attendance of a person at a meeting of a standing or select committee shall be made in the manner provided by law for the service of subpoenas in civil action at least 7 calendar days prior to the date of the meeting unless a shorter period of time is authorized by majority vote of all the members of such committee. If a shorter period of time is authorized, the persons subpoenaed shall be given reasonable notice of the meeting, consistent with the particular circumstances involved.

(3) Any person who is served with a subpoena to attend a meeting of any standing or select committee also shall be served with a general statement informing the person of the subject matter of such committee's investigation or inquiry and a notice that the person may be accompanied at the meeting by private counsel.

(4) Upon the request of any party and the approval of a majority of the standing or select committee, the Chair shall instruct all witnesses to leave the meeting room and retire to a designated place. The witness shall be instructed by the Chair not to discuss the testimony of the witness or the testimony of any other person with anyone until the meeting has been adjourned and the witness has been discharged by the Chair. The witness shall be further instructed that if any person discusses or attempts to discuss the matter under investigation with the witness after receiving such instructions, the witness shall bring such matter to the attention of such committee. No member of such committee or representative thereof may discuss any matter or matters pertinent to the subject matter under investigation with any witness to be called before such committee from the time that these instructions are given until the meeting has been adjourned and the witness has been discharged by the Chair. Any person violating this rule shall be in contempt of the Legislature.

(5) Any standing or select committee taking sworn testimony from witnesses as provided herein shall cause a record to be made of all proceedings in which testimony or other evidence is demanded or adduced, which record shall include rulings of the Chair, questions of such committee and its staff, the testimony or responses of witnesses, sworn written statements submitted to the committee, and such other matters as the committee or its Chair may direct.

(6) A witness at a meeting, upon advance request and at the witness's own expense, shall be furnished a certified transcript of the witness's testimony at the meeting.

(e) RIGHT OF OTHER PERSONS TO BE HEARD

(1) Any person whose name is mentioned or who is otherwise identified during a meeting being conducted for the purpose of taking sworn testimony from witnesses of any standing or select committee and who, in the opinion of such committee, may be adversely affected thereby, may, upon the request of the person or upon the request of any member of such committee, appear personally before such committee and testify on the person's own behalf, or, with such committee's consent, file a sworn written statement of facts or other documentary evidence for incorporation into the record of the meeting. Any

such witness, however, shall, prior to filing such statement, consent to answer questions from such committee regarding the contents of the statement.

(2) Upon the consent of a majority of the members present, a quorum having been established, any standing or select committee may permit any other person to appear and testify at a meeting or submit a sworn written statement of facts or other documentary evidence for incorporation into the record. No request to appear, appearance, or submission shall limit in any way the committee's power of subpoena. Any such witness, however, shall, prior to filing such statement, consent to answer questions from any standing or select committee regarding the contents of the statement.

(f) ENFORCEMENT OF SUBPOENA OUT OF SESSION. If any witness fails to respond to the lawful subpoena of any standing or select committee at a time when the Legislature is not in session or, having responded, fails to answer all lawful inquiries or to turn over evidence that has been subpoenaed, such committee may file a complaint before any circuit court of the state setting up such failure on the part of the witness. On the filing of such complaint, the court shall take jurisdiction of the witness and the subject matter of the complaint and shall direct the witness to respond to all lawful questions and to produce all documentary evidence in the possession of the witness that is lawfully demanded. The failure of any witness to comply with such order of the court shall constitute a direct and criminal contempt of court, and the court shall punish such witness accordingly.

Part Two—Complaints Against Members and Officers of the House

16.2—Complaints of Violations of the Standards of Conduct by Members and Officers of the House; Procedure

(a) FILING OF COMPLAINTS. The Chair of the Rules & Calendar Council shall receive and initially review allegations of improper conduct that may reflect upon the House, violations of law, violations of the House Code of Conduct, and violations of the rules and regulations of the House relating to the conduct of individuals in the performance of their duties as members or officers of the House. Complaints of improper conduct against the Chair of the Rules & Calendar Council shall be reviewed and managed by the Speaker or, if designated by the Speaker, the Speaker pro tempore.

(1) Review of Complaints. The Chair of the Rules & Calendar Council shall review each complaint submitted to the council relating to the conduct of a member or officer of the House.

(2) Complaints

a. A complaint shall be in writing and under oath, setting forth in simple, concise statements the following:

1. The name and legal address of the party filing the complaint (complainant);

2. The name and position or title of the member or officer of the House (respondent) alleged to be in violation of the House Code of Conduct or a law, rule, regulation, or other standard of conduct;

3. The nature of the alleged violation, based upon the personal knowledge of the complainant, including, if possible, the specific section of the House Code of Conduct or law, rule, regulation, or other standard of conduct alleged to have been violated; and

4. The facts alleged to have given rise to the violation.

b. All documents in the possession of the complainant that are relevant to, and in support of, the allegations shall be attached to the complaint.

(3) Processing Complaint and Preliminary Findings

a. Upon the filing of a complaint, the Chair shall, within 5 working days, notify the member or officer against whom the complaint has been filed and give such person a copy of the complaint. Within 20 days, the Chair shall take the necessary actions as provided in subparagraphs b.-g.

b. The Chair shall examine each complaint for jurisdiction and for compliance with paragraph (a)(2).

c. If the Chair determines that a complaint does not comply with such rule, the complaint shall be returned to the complainant with a general statement that the complaint is not in compliance with such rule and with a copy of the rule. A complainant may resubmit a complaint, provided such complaint is resubmitted prior to the expiration of the time limitation set forth in subsection (o).

d. If the Chair determines that the verified complaint does not allege facts sufficient to constitute a violation of any of the provisions of the House Code of Conduct, or a law, rule, regulation, or other standard of conduct, the Chair shall dismiss the complaint and notify the complainant and the respondent of such action.

e. If the Chair determines that the complaint is outside the jurisdiction of the House, the Chair shall dismiss the complaint and notify the complainant and the respondent of such action.

f. If the Chair determines that a violation is inadvertent, technical, or otherwise of a *de minimis* nature, the Chair may attempt to correct or prevent such a violation by informal means.

g. If the Chair determines that such a complaint does allege facts sufficient to constitute a violation of any of the provisions of the House Code of Conduct, or a law, rule, regulation, or other standard of conduct, and that the complaint is not *de minimis* in nature, the Chair shall, within 20 days, transmit a copy of the complaint to the Speaker and, in writing, request the appointment of a Probable Cause Panel or Special Master regarding the complaint. A copy of the letter shall be provided to the complainant and the respondent.

(4) Withdrawal of Complaints. A complaint may be withdrawn at any time.

(b) PROBABLE CAUSE PANEL OR SPECIAL MASTER

(1) Creation. Whenever the Speaker receives a copy of a complaint and request made pursuant to subsection (a), the Speaker shall, within 20 days, either appoint a Probable Cause Panel (the panel) consisting of an odd number of members or appoint a Special Master. If the Speaker appoints a Probable Cause Panel, the Speaker shall also appoint one member of the panel as its Chair. The Speaker may appoint up to two additional persons who are not members of the House to serve as nonvoting, public members of a Probable Cause Panel.

(2) Powers and Duties. The members of the panel or the Special Master shall have the following powers and duties:

a. Investigate complaints and make appropriate findings of fact promptly regarding allegations of improper conduct sufficient to establish probable cause of violations of law, violations of the House Code of Conduct, and violations of rules and regulations of the House relating to the conduct of individuals in the performance of their duties as members or as officers of the House;

b. Based upon the investigation by the Special Master or the panel, make and report findings of probable cause to the Speaker and to the House as it relates to the complaint that occasioned the appointment of the Probable Cause Panel or the Special Master;

c. Recommend to the Rules & Calendar Council such additional rules or regulations as the Probable Cause Panel or the Special Master shall determine are necessary or desirable to ensure proper standards of conduct by members and officers of the House in the performance of their duties and the discharge of their responsibilities; and

d. Adopt rules of procedure as appropriate.

(3) Quorum. A quorum of a Probable Cause Panel, when appointed, shall consist of a majority of the members of the panel. All action by a Probable Cause Panel shall require the concurrence of a majority of the full panel.

(4) Term. A Probable Cause Panel or Special Master, as appropriate, shall serve until the complaint that occasioned the appointment of the panel or the Special Master has been dismissed or until a finding of probable cause has been transmitted to the Speaker.

(c) PRELIMINARY INVESTIGATION AND PROBABLE CAUSE FINDING

(1) Preliminary Investigation

a. The Probable Cause Panel or the Special Master shall provide the respondent an opportunity to present to the panel, Special Master, or staff of the panel, orally or in writing, a statement addressing the allegations.

b. The panel, Special Master, or staff of the panel may interview witnesses and examine documents and other evidentiary matters.

c. The panel or Special Master may order the testimony of witnesses to be taken under oath, in which event the oath may be administered by the Chair or any other member of the panel, by the Special Master, or by any person authorized by law to administer oaths.

d. The panel or Special Master may require, by subpoena issued pursuant to these rules or otherwise, the attendance and testimony of witnesses and the production of such books, records, correspondence, memoranda, papers, documents, and other items as it deems necessary to the conduct of the inquiry.

(2) Probable Cause Finding

a. Findings

1. The panel, by a recorded vote of a majority of the full panel, or the Special Master, as appropriate, shall determine whether there is probable cause to conclude that a violation within the jurisdiction of the panel or the Special Master has occurred.

2. If the panel or Special Master, as appropriate, finds that probable cause does not exist, the panel or Special Master shall dismiss the complaint and notify the complainant and the respondent of its determination.

3. If the panel or Special Master, as appropriate, determines that probable cause exists to believe that a violation occurred but that the violation, if proven, is of a *de minimis* nature or is not sufficiently serious to justify expulsion, censure, or reprimand, the panel or Special Master may recommend an appropriate lesser penalty or may resolve the complaint informally. If the respondent agrees, a summary of the panel's or Special Master's conclusions, as appropriate, shall be published in the *House Journal* and the penalty agreed upon shall be imposed. If the panel or Special Master is unable to satisfactorily settle the complaint, the complaint shall be subject to a full evidentiary hearing before the Select Committee on Standards of Official Conduct pursuant to subsection (d).

4. If the panel or Special Master determines that probable cause exists to believe that a violation occurred and that, if proven, would be sufficiently serious to justify expulsion, censure, or reprimand, the panel or Special Master shall cause to be transmitted to the respondent a Statement of Alleged Violation. The statement shall be divided into counts, and each count shall be related to a separate violation and shall contain a plain and concise statement of the alleged facts of such violation, including a reference to the provision of the House Code of Conduct or law, rule, regulation, or other standard of conduct alleged to have been violated. A copy of the statement shall also be transmitted to the Speaker.

b. Collateral Proceedings. If the complaint against a member or officer of the House has been the subject of action before any other body, the panel or Special Master may forward the complaint directly to a hearing pursuant to subsection (d).

(d) HEARING

(1) Select Committee on Standards of Official Conduct. Upon receipt by the Speaker of a Statement of Alleged Violation, the Speaker shall appoint, within 20 days, a Select Committee on Standards of Official Conduct (the select committee) to hold hearings regarding the statement and make a recommendation for disciplinary action to the full House. Upon the receipt by the Speaker of a complaint and findings by the Commission on Ethics regarding a member of the House, the Speaker shall appoint, within 20 days, a Select Committee on Standards of Official Conduct to hold hearings to determine whether a violation has occurred and, if so, to make a recommendation for disciplinary action to the full House.

(2) Hearing. A hearing regarding a violation charged in a Statement of Alleged Violation or in a complaint and findings by the Commission on Ethics shall be held promptly to receive evidence upon which to base findings of fact and recommendations, if any, to the House respecting such violation.

a. Chair. The Chair of the select committee or other member presiding at a hearing shall rule upon any question of admissibility of testimony or evidence presented to the select committee. Rulings shall be final unless reversed or modified by a majority vote of the members of the select committee. If the select committee appoints a referee pursuant to subsection (i), the referee shall make all evidentiary rulings.

b. Referee. The select committee shall serve as referee for all proceedings under these rules, unless the select committee retains an independent referee pursuant to subsection (i).

c. Prosecutor. The select committee's staff shall serve as a legal advisor to the committee. The select committee may retain independent counsel pursuant to subsection (j) to serve as prosecutor in all proceedings conducted under these rules.

d. Respondent's Rights. The respondent shall have the right to be represented by legal counsel, to call witnesses, to introduce exhibits, and to cross-examine opposing witnesses. The respondent or respondent's counsel shall be permitted to take the deposition of the complainant in accordance with sub-subparagraph (3)a.3.

e. Complainant's Rights. The complainant is not a party to any part of the complaint process or these proceedings. The complainant has no standing to challenge these rules or procedures and has no right to appeal. The complainant may submit a list of witnesses or questions for the select committee's consideration to assist in its preparation for the hearing.

(3) Procedures

a. Procedure and Evidence

1. Procedure. The select committee may adopt rules of procedure as appropriate to its needs.

2. Evidence. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded, but all other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of Florida. However, hearsay evidence may not be used unless same would be admissible under the *Florida Rules of Evidence* and it shall not be sufficient in itself to support a factual finding unless it would be admissible over objection in civil actions.

3. Discovery. Discovery may be permitted upon motion, which shall state the reason therefor. Discovery shall be in accordance with the *Florida Rules of Civil Procedure* but may be limited in time, scope, and method by the Chair or the referee.

4. Testimony. The select committee shall order the testimony of witnesses to be taken under oath, in which event the oath may be administered by the Chair or a member of the select committee, by any referee appointed pursuant to subsection (i), or by any person authorized by law to administer oaths.

5. Subpoenas. The select committee may require, by subpoena issued pursuant to these rules or otherwise, the attendance and testimony of witnesses and the production of such books, records, correspondence, memoranda, papers, documents, and other items as it deems necessary to the conduct of the inquiry.

b. Order of Hearing. The order of the full hearing before the select committee or the referee shall be as follows:

1. The Chair or the referee shall open the hearing by stating the select committee's authority to conduct the hearing, the purpose of the hearing, and its scope.

2. Testimony from witnesses and other evidence pertinent to the subject of the hearing shall be received in the following order, whenever possible: witnesses and other evidence offered by the independent counsel, witnesses and other evidence offered by the respondent, and rebuttal witnesses. The select committee may call witnesses at any time during the proceedings.

3. Witnesses at the hearing shall be examined first by the independent counsel. The respondent or the respondent's counsel may then cross-examine the witnesses. The members of the select committee may then question the witnesses. Redirect and recross may be permitted in the Chair's or the referee's discretion. With respect to witnesses offered by the respondent, a witness shall be examined first by the respondent or the respondent's counsel and then may be cross-examined by the independent counsel. Members of the select committee may then question the witness. Redirect and recross may be permitted in the Chair's or the referee's discretion. Participation by the select committee at the hearing stage is at the sole discretion of the select committee and is not mandatory.

(4) Burden of Proof. At the hearing, the burden of proof rests on the appointed independent counsel to establish the facts alleged by clear and convincing evidence with respect to each count.

(e) COMMITTEE RECOMMENDED ORDER

(1) Committee Deliberations. As soon as practicable, the select committee shall consider each count contained in a Statement of Alleged Violation or in a complaint and findings, as the case may be. A count shall not be proven unless at least a majority of the select committee votes for a motion that the count has been proved. A count that is not proved shall be considered as dismissed by the select committee.

(2) Dismissal of Complaint. After the hearing, the select committee shall, in writing, state its findings of fact. If the select committee finds that the respondent has not violated any of the provisions of the House Code of Conduct, or a law, rule, regulation, or other standard of conduct, it shall order the action dismissed and shall notify the respondent and the complainant of such action.

(3) Recommended Order

a. Recommended Order. If the select committee finds that the respondent has violated any of the provisions of the House Code of Conduct, or a law, rule, regulation, or other standard of conduct, it shall, in writing, state its findings of fact and submit a report to the House. A copy of the report shall be sent to the respondent and the complainant and shall be published in the *House Journal*.

b. Penalty. With respect to any violation with which a member or officer of the House is charged in a count that the select committee has voted as proved, the select committee may recommend to the House that the member or officer be fined, censured, reprimanded, placed on probation, or expelled, as appropriate, or may recommend such other lesser penalty as may be appropriate.

(f) PROPOSED RECOMMENDED ORDER

(1) Referee. When a hearing is conducted by referee, as provided in subsection (i), the referee shall prepare a proposed recommended order and file it, together with the record of the hearing, with the select committee. Copies of the proposed recommended order shall be served on all parties.

(2) Proposed Recommended Order. The proposed recommended order shall contain the time and place of the hearing, appearances entered at the hearing, issues, and proposed findings of fact and conclusions of law.

(3) Exceptions. The respondent and the independent counsel may file written exceptions with the select committee in response to a referee's recommended order. Exceptions shall be filed within 20 days after service of the recommended order unless such time is extended by the referee or the Chair of the select committee.

(4) Recommended Order. The select committee shall deliberate and render a recommended order pursuant to the provisions of subsection (e).

(g) CONSENT DECREE. At any stage of the proceedings, the respondent and the select committee may agree to a consent decree. The consent decree shall state findings of fact and shall be published in the *House Journal*. The consent decree shall contain such penalty as may be appropriate. If the House accepts the consent decree, the complaint pursuant to these proceedings shall be resolved. If the House does not accept the consent decree, the proceedings before the select committee shall resume.

(h) CONFIDENTIALITY. Any material provided to the House in response to a complaint filed under this rule that is confidential under applicable law shall remain confidential and shall not be disclosed except as authorized by applicable law. Except as otherwise provided in this section, a complaint and the records relating to a complaint shall be available for public inspection upon the dismissal of a complaint by the Chair of the Rules & Calendar Council, a determination as to probable cause or informal resolution of a complaint by a Special Master or Probable Cause Panel, or the receipt by the Speaker of a request in writing from the respondent that the complaint and other records relating to the complaint be made public records.

(i) REFEREE. The Select Committee on Standards of Official Conduct may, in its discretion and with the approval of the Speaker, employ a referee to preside over the proceedings, to hear testimony, and to make findings of fact and recommendations to the select committee concerning the disposition of complaints.

(j) INDEPENDENT COUNSEL. The Select Committee on Standards of Official Conduct is authorized to retain and compensate counsel not regularly employed by the House, as authorized by the Speaker.

(k) ATTORNEY'S FEES. When a Probable Cause Panel or a Special Master finds that probable cause does not exist or the select committee finds that the respondent has not violated any of the provisions of the House Code of Conduct or a law, rule, regulation, or other standard of conduct, the panel or Special Master or the select committee may recommend to the Speaker that the reasonable attorney's fees and costs incurred by the respondent be paid by the House. Payment of such reasonable fees and costs shall be subject to the approval of the Speaker.

(l) ELIGIBILITY; SPEAKER OF THE HOUSE. If any allegation under this rule involves the conduct or activities of the Speaker, the duties of the Speaker pursuant to this rule shall be transferred to the Speaker pro tempore.

(m) COLLATERAL ACTIONS

(1) Criminal Actions. Any criminal complaints relating to members shall be governed by these rules.

(2) Commissions or Quasi-Judicial Agencies with Concurrent Jurisdiction. If a complaint against a member or an officer of the House is filed with a commission or quasi-judicial agency with concurrent jurisdiction, the Chair of the Rules & Calendar Council, a Probable Cause Panel or a Special Master, and the Select Committee on Standards of Official Conduct shall have the discretion to refrain from processing a similar complaint until such commission or quasi-judicial agency has completed its review of the matter. If such a complaint is filed initially with the Chair of the Rules & Calendar Council and subsequently filed with a commission or quasi-judicial agency with concurrent jurisdiction, the Chair of the Rules & Calendar Council, the panel or Special Master, and the select committee shall have the discretion to suspend their proceedings until all such commissions and agencies have completed their review of the matter.

(n) EX PARTE COMMUNICATIONS

(1) A Special Master or a member of a Probable Cause Panel or of a Select Committee on Standards of Official Conduct shall not initiate or consider any *ex parte* communication relative to the merits of a pending complaint proceeding by:

a. Any person engaged in prosecution or advocacy in connection with the matter; or

b. A party to the proceeding or any person who, directly or indirectly, would have a substantial interest in the action of the panel, Special Master, or select committee, or authorized representatives or counsel thereof.

(2) Except when acting in official capacity as a Special Master or as a member of a panel or select committee, a Special Master or a member of a Probable Cause Panel or of a Select Committee on Standards of Official Conduct shall not comment upon or discuss with any other person the matters that occasioned the appointment of the Special Master, panel, or select committee during the pendency of proceedings held pursuant to this rule before the Special Master, panel, or select committee. This section shall not apply to communications initiated or considered by the Special Master or the Chair of the panel or select committee relating to a settlement pursuant to sub-subparagraph (c)(2)a.3. or to a consent decree authorized pursuant to subsection (g).

(o) TIME LIMITATIONS

(1) On or after the effective date of these rules, all sworn complaints alleging violation of the House Code of Conduct, including any violation of law or of the rules and regulations of the House, shall be filed with the Rules & Calendar Council within 2 years after the alleged violation.

(2) A violation of the House Code of Conduct is committed when every element of the rule has occurred, and time starts to run on the day after the violation occurred.

(3) The applicable period of limitation is tolled on the day a sworn complaint against the member or officer is filed with the Rules & Calendar Council. If it can be concluded from the face of the complaint that the applicable period of limitation has run, the allegations shall not be considered a complaint for the purpose of requiring action by the Chair of the Rules & Calendar Council. The complaint and all material related thereto shall remain confidential.

16.3—Penalties for Violations

Separately from any prosecutions or penalties otherwise provided by law, any member determined to have violated the foregoing requirements of these rules shall be fined, censured, reprimanded, placed on probation, or expelled, or have such other lesser penalty imposed as may be appropriate. Such determination and disciplinary action shall be taken by a two-thirds vote of the House, except that expulsions shall require two-thirds vote of the membership, upon recommendation of the select committee so designated under Rule 16.2.

Part Three—Complaints Against Lobbyists

16.4—Lobbyists; Requests for Advisory Opinions

(a) OBLIGATIONS OF A LOBBYIST

(1) A lobbyist shall supply facts, information, and opinions of principals to legislators from the point of view that the lobbyist openly declares. A lobbyist shall not offer or propose anything that may reasonably be construed to improperly influence the official act, decision, or vote of a legislator, nor shall a lobbyist attempt to improperly influence the selection of officers or employees of the House. A lobbyist, by personal example and admonition to colleagues, shall maintain the honor of the legislative process by the integrity of the lobbyist's relationship with legislators as well as with the principals whom the lobbyist represents.

(2) A lobbyist shall not knowingly and willfully falsify, conceal, or cover up, by any trick, scheme, or device, a material fact or make any false, fictitious, or fraudulent statement or representation, or make or use any writing or document knowing the same to contain any false, fictitious, or fraudulent statements or entry.

(3) During a regular session, or any extended or special session, a lobbyist may not contribute to a member's campaign or to any organization that is registered or is required to be registered with the Rules & Calendar Council under Rule 15.3.

(4) A lobbyist may not make any expenditure prohibited by s. 11.045(4)(a), Florida Statutes, as amended by ch. 2005-359, Laws of Florida.

(5) No registered lobbyist shall be permitted upon the floor of the House while it is in session.

(b) **ADVISORY OPINIONS; COMPILATION THEREOF.** A lobbyist, when in doubt about the applicability and interpretation of subsection (a) in a particular context, or any person when in doubt about the applicability and interpretation of s. 11.045, s. 112.3148, or s. 112.3149, Florida Statutes, as such statute(s) may apply to that person, may request an advisory opinion under this subsection (b). Such request shall be in writing, addressed to the Speaker and shall contain the relevant facts. The Speaker shall either refer the issue to the House general counsel for review and drafting of an advisory opinion of the Speaker or refer the issue to a committee designated by the Speaker to have responsibility for the ethical conduct of lobbyists and the person requesting the advisory opinion may appear in person before such committee. The Speaker or this committee shall render advisory opinions to the person who seeks advice as to whether the facts as described in the request and any supplemental communication would constitute a violation of such rule or statute by that person. Such opinion, until amended or revoked, shall be binding upon the House in any proceeding upon a subsequent complaint concerning the person who sought the opinion and acted on it in good faith, unless material facts were omitted or misstated in the request for advisory opinion. Upon request of the person who requested the advisory opinion or any member, the committee designated by the Speaker to have responsibility for the ethical conduct of lobbyists may revise any advisory opinion issued by the Speaker or may revise any advisory opinion issued by the general counsel of the Office of Legislative Services under Joint Rule 1.8. The House general counsel or committee shall make sufficient deletions to prevent disclosing the identity of persons in the decisions or opinions. All advisory opinions of the Speaker or this committee shall be numbered, dated, and published in an annual publication of the House. The Clerk shall keep a compilation of all advisory opinions.

16.5—Complaints of Violations Relating to Lobbyists and Other Persons; Procedure

(a) **FILING OF COMPLAINTS.** The Chair of the Rules & Calendar Council shall receive and initially review any complaint alleging violations of the Rules of the House, Joint Rule One, or violations of a law, rule, or other standard of conduct by a lobbyist or lobbying firm. In addition, the Chair shall receive and initially review any complaint alleging violations of s. 11.045, s. 112.3148, or s. 112.3149, Florida Statutes, by any person other than a member.

(1) Complaints

a. A complaint shall be in writing and under oath, setting forth in simple, concise statements the following:

1. The name and legal address of the party filing the complaint (complainant);

2. The name and address of the person or lobbying firm (respondent) alleged to be in violation of the Rules of the House, Joint Rule One, or an applicable law, rule, or other standard of conduct;

3. The nature of the alleged violation, based upon the personal knowledge of the complainant, including, if possible, the specific section of the Rules of the House, Joint Rule One, or law, rule, or other standard of conduct alleged to have been violated; and

4. The facts alleged to give rise to the violation.

b. All documents in the possession of the complainant that are relevant to, and in support of, the allegations shall be attached to the complaint.

c. Each complaint shall be filed with the Speaker or the Rules & Calendar Council. Any complaint filed with the Speaker shall be forwarded to the Rules & Calendar Council at the reasonable convenience of the Speaker.

(2) Processing Complaint and Preliminary Findings

a. Upon the receipt of a complaint, the Rules & Calendar Council staff shall note the date of receipt, and the Chair shall, within 5 working days, notify the person against whom the complaint has been filed and give such person a copy of the complaint. For purposes of this rule and Rule 16.6, a complaint against a lobbying firm shall be treated as a complaint against each lobbyist who is a partner, owner, officer, or employee of the lobbying firm. For purposes of this rule and Rule 16.6, the term "person" includes any principal regardless of the organizational form of the principal. Within 20 days, the Chair shall take the necessary actions as provided in subparagraphs b.-g. If, however, the complaint alleges a violation by an employee, a copy of the complaint shall be forwarded to the Speaker for disposition consistent with Rule 2.6 as to that employee.

b. The Chair shall examine each complaint for jurisdiction and for compliance with paragraph (a)(1).

c. If the Chair determines that a complaint does not comply with such rule, the complaint shall be returned to the complainant with a general statement that the complaint is not in compliance with such rule and with a copy of the rule. A complainant may resubmit a complaint, provided such complaint is resubmitted prior to the expiration of the time limitation set forth in subsection (m).

d. If the Chair determines that the verified complaint does not allege facts sufficient to constitute a violation of any of the provisions of the Rules of the House, Joint Rule One, or a law, rule, or other standard of conduct, the Chair shall dismiss the complaint and notify the complainant and the respondent of such action.

e. If the Chair determines that the complaint is outside the jurisdiction of the House, the Chair shall dismiss the complaint and notify the complainant and the respondent of such action.

f. If the Chair determines that a violation is inadvertent, technical, or otherwise of a *de minimis* nature, the Chair may attempt to correct or prevent such a violation by informal means.

g. If the Chair determines that such a complaint does allege facts sufficient to constitute a violation of any of the provisions of the Rules of the House, Joint Rule One, or a law, rule, or other standard of conduct, and that the complaint is not *de minimis* in nature, the Chair shall transmit a copy of the complaint to the Speaker and, in writing, request the appointment of a Probable Cause Panel or Special Master regarding the complaint. A copy of the letter shall be provided to the complainant and the respondent.

(3) **Withdrawal of Complaints.** A complaint may be withdrawn at any time.

(b) PROBABLE CAUSE PANEL OR SPECIAL MASTER

(1) **Creation.** Whenever the Speaker receives a copy of a complaint and a request for appointment made pursuant to subsection (a), and whenever the Speaker receives audit information indicating a possible violation of s. 11.045, Florida Statutes, other than a late-filed report, by a lobbying firm (which shall be treated as the respondent for purposes of this rule), the Speaker shall, within 20 days, either appoint a Probable Cause Panel (the panel) consisting of an odd number of members or appoint a Special Master. If the Speaker appoints a Probable Cause Panel, the Speaker shall also appoint

one member of the panel as its Chair. The Speaker may appoint up to two additional persons who are not members of the House to serve as nonvoting, public members of a Probable Cause Panel.

(2) Powers and Duties. The members of the panel or the Special Master shall have the following powers and duties:

a. Investigate complaints and possible violations indicated by audits (which shall be treated as complaints) and make appropriate findings of fact promptly regarding allegations of improper conduct sufficient to establish probable cause of violation of the Rules of the House, Joint Rule One, or a law, rule, or other standard of conduct;

b. Based upon the investigation by the Special Master or the panel, make and report findings of probable cause to the Speaker and to the House as it relates to the complaint that occasioned the appointment of the Probable Cause Panel or the Special Master;

c. Recommend to the Rules & Calendar Council such additional rules or regulations as the Probable Cause Panel or the Special Master shall determine are necessary or desirable to ensure proper standards of conduct by lobbyists or others regulated by s. 11.045, s. 112.3148, or s. 112.3149, Florida Statutes; and

d. Adopt rules of procedure as appropriate to its needs.

(3) Quorum. A quorum of a Probable Cause Panel, when appointed, shall consist of a majority of the members of the panel. All action by a Probable Cause Panel shall require the concurrence of a majority of the full panel.

(4) Term. A Probable Cause Panel or Special Master, as appropriate, shall serve until the complaint that occasioned the appointment of the panel or the Special Master has been dismissed or until a finding of probable cause has been transmitted to the Speaker.

(c) PRELIMINARY INVESTIGATION AND PROBABLE CAUSE FINDING

(1) Preliminary Investigation

a. The Probable Cause Panel or the Special Master shall provide the respondent an opportunity to present to the panel, the Special Master, or staff of the panel, orally or in writing, a statement addressing the allegations.

b. The panel, Special Master, or the staff of the panel may interview witnesses and examine documents and other evidentiary matters.

c. The panel or Special Master may order the testimony of witnesses to be taken under oath, in which event the oath may be administered by the Chair or any other member of the panel, by the Special Master, or by any person authorized by law to administer oaths.

d. The panel or Special Master may require, by subpoena issued pursuant to these rules or otherwise, the attendance and testimony of witnesses and the production of such books, records, correspondence, memoranda, papers, documents, and other items as it deems necessary to the conduct of the inquiry.

(2) Probable Cause Finding

a. The panel, by a recorded vote of a majority of the full panel, or the Special Master, as appropriate, shall determine whether there is probable cause to conclude that a violation within the jurisdiction of the panel or the Special Master has occurred.

b. If the panel or Special Master, as appropriate, finds that probable cause does not exist, the panel or Special Master shall dismiss the complaint and notify the complainant and the respondent of its determination.

c. If the panel or Special Master, as appropriate, determines that probable cause exists to believe that a violation occurred but that the violation, if proven, is of a *de minimis* nature or is not sufficiently serious to justify the imposition of a penalty pursuant to Rule 16.6, the panel or Special Master may recommend an appropriate lesser penalty or may resolve the complaint informally. If the respondent agrees, a summary of the panel's or Special Master's conclusions, as appropriate, shall be published in the House *Journal* and the penalty agreed upon shall be imposed. If the panel or Special Master is unable to satisfactorily settle the complaint, the complaint shall be subject to a full evidentiary hearing before a Select Committee appointed pursuant to subsection (d).

d. If the panel or Special Master determines that probable cause exists to believe that a violation occurred and that, if proven, would be sufficiently serious to justify imposition of a penalty pursuant to Rule 16.6, the panel or Special Master shall cause to be transmitted to the respondent a Statement of Alleged Violation. The statement shall be divided into counts, and each count

shall be related to a separate violation and shall contain a plain and concise statement of the alleged facts of such violation, including a reference to the provision of the Rules of the House, Joint Rule One, or law, rule, or other standard of conduct alleged to have been violated. A copy of the statement shall also be transmitted to the Speaker.

(d) HEARING

(1) Select Committee. Upon receipt by the Speaker of a Statement of Alleged Violation, the Speaker shall appoint, within 20 days, a Select Committee (the select committee) to hold hearings regarding the statement and make a recommendation for disciplinary action to the full House.

(2) Hearing. A hearing regarding a violation charged in a Statement of Alleged Violation shall be held promptly to receive evidence upon which to base findings of fact and recommendations, if any, to the House respecting such violation. The hearing before the select committee shall be subject to Rule 7.14.

a. Chair. The Chair of the select committee or other member presiding at a hearing shall rule upon any question of admissibility of testimony or evidence presented to the select committee. Rulings shall be final unless reversed or modified by a majority vote of the members of the select committee. If the select committee appoints a referee pursuant to subsection (i), the referee shall make all evidentiary rulings.

b. Referee. The select committee shall serve as referee for all proceedings under these rules, unless the select committee retains an independent referee pursuant to subsection (i).

c. Prosecutor. The select committee's staff shall serve as prosecutor in all proceedings conducted under these rules, unless the select committee retains independent counsel pursuant to subsection (j).

d. Respondent's Rights. The respondent shall have the right to be represented by legal counsel, to call witnesses, to introduce exhibits, and to cross-examine opposing witnesses. The respondent or respondent's counsel shall be permitted to take the deposition of the complainant in accordance with sub-subparagraph (3)a.3.

e. Complainant's Rights. The complainant is not a party to any part of the complaint process or these proceedings. The complainant has no standing to challenge these rules or procedures and has no right to appeal. The complainant may submit a list of witnesses or questions for the select committee's consideration to assist in its preparation for the hearing.

(3) Procedures

a. Procedure and Evidence

1. Procedure. The select committee may adopt rules of procedure as appropriate to its needs.

2. Evidence. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded, but all other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of Florida. However, hearsay evidence may not be used unless same would be admissible under the *Florida Rules of Evidence* and it shall not be sufficient in itself to support a factual finding unless it would be admissible over objection in civil actions.

3. Discovery. Discovery may be permitted upon motion, which shall state the reason therefor. Discovery shall be in accordance with the *Florida Rules of Civil Procedure*, but may be limited in time, scope, and method by the Chair or the referee.

4. Testimony. The select committee shall order the testimony of witnesses to be taken under oath, in which event the oath may be administered by the Chair or a member of the select committee, by any referee appointed pursuant to subsection (i), or by any person authorized by law to administer oaths.

5. Subpoenas. The select committee may require, by subpoena issued pursuant to these rules or otherwise, the attendance and testimony of witnesses and the production of such books, records, correspondence, memoranda, papers, documents, and other items as it deems necessary to the conduct of the inquiry.

b. Order of Hearing. The order of the full hearing before the select committee or the referee shall be as follows:

1. The Chair or the referee shall open the hearing by stating the select committee's authority to conduct the hearing, the purpose of the hearing, and its scope.

2. Testimony from witnesses and other evidence pertinent to the subject of the hearing shall be received in the following order, whenever possible: witnesses and other evidence offered by the select committee's staff or the independent counsel, witnesses and other evidence offered by the respondent, and rebuttal witnesses. The select committee may call witnesses at any time during the proceedings.

3. Witnesses at the hearing shall be examined first by the select committee's staff or the independent counsel. The respondent or the respondent's counsel may then cross-examine the witnesses. The members of the select committee may then question the witnesses. Redirect and recross may be permitted in the Chair's or the referee's discretion. With respect to witnesses offered by the respondent, a witness shall be examined first by the respondent or the respondent's counsel, and then may be cross-examined by the select committee's staff or the independent counsel. Members of the select committee may then question the witness. Redirect and recross may be permitted in the Chair's or the referee's discretion. Participation by the select committee at the hearing stage is at the sole discretion of the select committee and is not mandatory.

(4) Burden of Proof. At the hearing, the burden of proof rests on the select committee's staff or the appointed independent counsel to establish the facts alleged by clear and convincing evidence with respect to each count.

(e) COMMITTEE RECOMMENDED ORDER

(1) Committee Deliberations. As soon as practicable, the select committee shall consider each count contained in a Statement of Alleged Violation. A count shall not be proven unless at least a majority of the select committee votes for a motion that the count has been proved. A count that is not proved shall be considered as dismissed by the select committee.

(2) Dismissal of Complaint. After the hearing, the select committee shall, in writing, state its findings of fact. If the select committee finds that the respondent has not violated any of the provisions of the Rules of the House, Joint Rule One, or a law, rule, or other standard of conduct, it shall order the action dismissed and shall notify the respondent and the complainant of such action.

(3) Recommended Order

a. Recommended Order. If the select committee finds that the respondent has violated any of the provisions of the Rules of the House, Joint Rule One, or a law, rule, or other standard of conduct, it shall, in writing, state its findings of fact and submit a report to the House. A copy of the report shall be sent to the respondent and the complainant and shall be published in the House *Journal*.

b. Penalty. With respect to any violation with which a person is charged in a count that the select committee has voted as proved, the select committee may recommend to the House that the person be censured, reprimanded, or prohibited from lobbying for all or any part of the legislative biennium during which the violation occurred, or such other penalty as may be appropriate.

(f) PROPOSED RECOMMENDED ORDER

(1) Referee. When a hearing is conducted by referee, as provided in subsection (i), the referee shall prepare a proposed recommended order and file it, together with the record of the hearing, with the select committee. Copies of the proposed recommended order shall be served on all parties.

(2) Proposed Recommended Order. The proposed recommended order shall contain the time and place of the hearing, appearances entered at the hearing, issues, and proposed findings of fact and conclusions of law.

(3) Exceptions. The respondent and the independent counsel may file written exceptions with the select committee in response to a referee's recommended order. Exceptions shall be filed within 20 days after service of the recommended order unless such time is extended by the referee or the Chair of the select committee.

(4) Recommended Order. The select committee shall deliberate and render a recommended order pursuant to the provisions of subsection (e).

(g) CONSENT DECREE. At any stage of the proceedings, the respondent and the select committee may agree to a consent decree. The consent decree shall state findings of fact and shall be published in the House *Journal*. The consent decree shall contain such penalty as may be appropriate. If the House accepts the consent decree, the complaint pursuant to these proceedings shall be resolved. If the House does not accept the consent decree, the proceedings before the select committee shall resume.

(h) CONFIDENTIALITY. Any material provided to the House in response to a complaint filed under this rule that is confidential under applicable law shall remain confidential and shall not be disclosed except as authorized by applicable law. Except as otherwise provided in this section, a complaint and the records relating to a complaint shall be available for public inspection upon the dismissal of a complaint by the Chair of the Rules & Calendar Council, a determination as to probable cause or informal resolution of a complaint by a Special Master or Probable Cause Panel, or the receipt by the Speaker of a request in writing from the respondent that the complaint and other records relating to the complaint be made public records.

(i) REFEREE. The Select Committee may, in its discretion and with the approval of the Speaker, employ a referee to preside over the proceedings, to hear testimony, and to make findings of fact and recommendations to the select committee concerning the disposition of complaints.

(j) INDEPENDENT COUNSEL. The Select Committee is authorized to retain and compensate counsel not regularly employed by the House, as authorized by the Speaker.

(k) ELIGIBILITY; SPEAKER OF THE HOUSE. If any allegation under this rule involves the conduct or activities of the Speaker, the duties of the Speaker pursuant to this rule shall be transferred to the Speaker pro tempore.

(l) *EX PARTE* COMMUNICATIONS

(1) A Special Master or a member of a Probable Cause Panel or of a Select Committee shall not initiate or consider any *ex parte* communication relative to the merits of a pending complaint proceeding by:

a. Any person engaged in prosecution or advocacy in connection with the matter; or

b. A party to the proceeding or any person who, directly or indirectly, would have a substantial interest in the action of the panel, Special Master or select committee, or authorized representatives or counsel thereof.

(2) Except when acting in official capacity as a Special Master or as a member of a panel or select committee, a Special Master or a member of a Probable Cause Panel or of a Select Committee shall not comment upon or discuss with any other person the matters that occasioned the appointment of the Special Master, panel, or select committee during the pendency of proceedings held pursuant to this rule before the Special Master, panel, or select committee. This section shall not apply to communications initiated or considered by the Special Master or the Chair of the panel or select committee relating to a settlement pursuant to subparagraph (c)(2)c. or to a consent decree authorized pursuant to subsection (g).

(m) TIME LIMITATIONS

(1) All sworn complaints alleging violation of the Rules of the House, Joint Rule One, or any law, rule, or other standard of conduct by a person subject to the provisions of this Part shall be filed with the Rules & Calendar Council or the Speaker within 2 years after the alleged violation; provided that the Speaker may address conduct of an employee at any time.

(2) A violation of the Rules of the House is committed when every element necessary to establish the violation of the rule has occurred, and time starts to run on the day after the violation occurred.

(3) The applicable period of limitation is tolled on the day a sworn complaint against the person is filed with the Rules & Calendar Council. If it can be concluded from the face of the complaint that the applicable period of limitation has run, the allegations shall not be considered a complaint for the purpose of requiring action by the Chair of the Rules & Calendar Council. The complaint and all material related thereto shall remain confidential.

16.6—Penalties for Violations

Separately from any prosecutions or penalties otherwise provided by law, any person determined to have violated the foregoing requirements of these rules, any provision in Joint Rule One, or any law, rule, or other standard of conduct by a person subject to the provisions of Rule 16.5 may be reprimanded, censured, prohibited from lobbying for all or any part of the legislative biennium during which the recommended order is proposed, or have such other penalty imposed as may be appropriate. Such determination shall be made by a majority of the House, upon recommendation of the select committee so designated under Rule 16.5. Any prohibition or other limitation imposed by the House may be continued for up to a total of two

years by a determination made by a majority of the House at or following the Organizational Session following the biennium during which such prohibition or other limitation was imposed.

JOINT RULES

Joint Rule One

Lobbyist Registration and Compensation Reporting

1.1—Those Required to Register; Exemptions; Committee Appearance Records

(1) All lobbyists before the Florida Legislature must register with the Lobbyist Registration Office in the Division of Legislative Information Services of the Office of Legislative Services. Registration is required for each principal represented.

(2) As used in Joint Rule One, unless the context otherwise requires:

(a) “Compensation” means payment, distribution, loan, advance, reimbursement, deposit, salary, fee, retainer, or anything of value provided or owed to a lobbying firm, directly or indirectly, by a principal for any lobbying activity.

(b) “Division” means the Division of Legislative Information Services within the Office of Legislative Services.

(c) “Legislative action” means introduction, sponsorship, testimony, debate, voting, or any other official action on any measure, resolution, amendment, nomination, appointment, or report of, or any matter that may be the subject of action by, either house of the Legislature or any committee thereof.

(d) “Lobby” or “lobbying” means influencing or attempting to influence legislative action or nonaction through oral or written communication or an attempt to obtain the goodwill of a member or employee of the Legislature.

(e) “Lobbying firm” means any business entity, including an individual contract lobbyist, that receives or becomes entitled to receive any compensation for the purpose of lobbying, where any partner, owner, officer, or employee of the business entity is a lobbyist. “Lobbying firm” does not include an entity that has employees who are lobbyists if the entity does not derive compensation from principals for lobbying, or such compensation is received exclusively from a subsidiary corporation of the employer.

(f) “Lobbyist” means a person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity. An employee of the principal is not a “lobbyist” unless the employee is principally employed for governmental affairs. “Principally employed for governmental affairs” means that one of the principal or most significant responsibilities of the employee to the employer is overseeing the employer’s various relationships with government or representing the employer in its contacts with government. Any person employed by the Governor, the Executive Office of the Governor, or any executive or judicial department of the state or any community college of the state who seeks to encourage the passage, defeat, or modification of any legislation by personal appearance or attendance before the House of Representatives or the Senate, or any member or committee thereof, is a lobbyist.

(g) “Payment” or “salary” means wages or any other consideration provided in exchange for services, but does not include reimbursement for expenses.

(h) “Principal” means the person, firm, corporation, or other entity that has employed or retained a lobbyist. When an association has employed or retained a lobbyist, the association is the principal; the individual members of the association are not principals merely because of their membership in the association.

(3) For purposes of this rule, the terms “lobby” and “lobbying” do not include any of the following:

(a) Response to an inquiry for information made by any member, committee, or staff of the Legislature.

(b) An appearance in response to a legislative subpoena.

(c) Advice or services that arise out of a contractual obligation with the Legislature, a member, a committee, any staff, or any legislative entity to render the advice or services where such obligation is fulfilled through the use of public funds.

(d) Representation of a client before the House of Representatives or the Senate, or any member or committee thereof, when the client is subject to disciplinary action by the House of Representatives or the Senate, or any member or committee thereof.

(4) For purposes of registration and reporting, the term “lobbyist” does not include any of the following:

(a) A member of the Legislature.

(b) A person who is employed by the Legislature.

(c) A judge who is acting in that judge’s official capacity.

(d) A person who is a state officer holding elective office or an officer of a political subdivision of the state holding elective office and who is acting in that officer’s official capacity.

(e) A person who appears as a witness or for the purpose of providing information at the written request of the chair of a committee, subcommittee, or legislative delegation.

(f) A person employed by any executive or judicial department of the state or any community college of the state who makes a personal appearance or attendance before the House of Representatives or the Senate, or any member or committee thereof, while that person is on approved leave or outside normal working hours, and who does not otherwise meet the definition of lobbyist.

(5) When a person, whether or not the person is registered as a lobbyist, appears before a committee of the Legislature, that person must submit a Committee Appearance Record as required by the respective house.

1.2—Method of Registration

(1) Each person who is required to register must register on forms furnished by the Lobbyist Registration Office, on which that person must state, under oath, that person’s full legal name, business address and telephone number, the name and business address of each principal that person represents, and the extent of any direct business association or partnership that person has with any member of the Legislature. In addition, if the lobbyist is a partner, owner, officer, or employee of a lobbying firm, the lobbyist must state the name, address, Federal Employer’s Identification Number (FEIN), contact name, and telephone number of each lobbying firm to which the lobbyist belongs. The Lobbyist Registration Office or its designee is authorized to acknowledge the oath of any person who registers in person. Any changes to the information provided in the registration form must be reported to the Lobbyist Registration Office in writing within 15 days on forms furnished by the Lobbyist Registration Office.

(2) Any person required to register must do so with respect to each principal prior to commencement of lobbying on behalf of that principal. At the time of registration, the registrant shall provide a statement on a form provided by the Lobbyist Registration Office, signed by the principal or principal’s representative that the registrant is authorized to represent the principal. On the authorization statement the principal or principal’s representative shall also identify and designate the principal’s main business pursuant to a classification system approved by the Office of Legislative Services that shall be the North American Industry Classification System (NAICS) six-digit numerical code that most accurately describes the principal’s main business.

(3) Any person required to register must renew the registration annually for each calendar year.

(4) A lobbyist shall promptly send a notice to the Lobbyist Registration Office on forms furnished by the Lobbyist Registration Office, canceling the registration for a principal upon termination of the lobbyist’s representation of that principal. A notice of cancellation takes effect the day it is received by the Lobbyist Registration Office. Notwithstanding this requirement, the Lobbyist Registration Office may remove the name of a lobbyist from the list of registered lobbyists if the principal notifies the Lobbyist Registration Office that the lobbyist is no longer authorized to represent that principal.

(5) The Lobbyist Registration Office shall publish on the first Monday of each regular session and weekly thereafter through the end of that session a compilation of the names of persons who have registered and the information contained in their registrations.

(6) The Lobbyist Registration Office shall retain all original documents submitted under this rule.

(7) A person who is required to register under this rule, or who chooses to register, shall be considered a lobbyist of the Legislature for the purposes of sections 11.045, 112.3148, and 112.3149, Florida Statutes.

1.3—Registration Costs; Exemptions

(1) To cover the costs incurred in administering this joint policy, each person who registers under Joint Senate and House Rule 1.1 must pay an annual registration fee to the Lobbyist Registration Office. The annual period runs from January 1 to December 31. These fees must be paid at the time of registration.

(2) The following persons are exempt from paying the fee, provided they are designated in writing by the agency head or person designated in this subsection:

- (a) Two employees of each department of the executive branch created under chapter 20, Florida Statutes.
- (b) Two employees of the Fish and Wildlife Conservation Commission.
- (c) Two employees of the Executive Office of the Governor.
- (d) Two employees of the Commission on Ethics.
- (e) Two employees of the Florida Public Service Commission.
- (f) Two employees of the judicial branch designated in writing by the Chief Justice of the Florida Supreme Court.

(3) The annual fee is up to \$50 per each house for a person to register to represent one principal and up to an additional \$10 per house for each additional principal that the person registers to represent. The amount of each fee shall be established annually by the President of the Senate and the Speaker of the House of Representatives. The fees set shall be adequate to ensure operation of the lobbyist registration and reporting operations of the Lobbyist Registration Office. The fees collected by the Lobbyist Registration Office under this joint policy shall be deposited in the State Treasury and credited to the Legislative Lobbyist Registration Trust Fund specifically to cover the costs incurred in administering this joint policy.

1.4—Reporting of Lobbying Firm Compensation

(1)(a) Each lobbying firm shall file a compensation report with the division for each calendar quarter during any portion of which one or more of the firm's lobbyists were registered to represent a principal. The report shall include the:

- 1. Full name, business address, and telephone number of the lobbying firm;
- 2. Registration name of each of the firm's lobbyists; and
- 3. Total compensation provided or owed to the lobbying firm from all principals for the reporting period, reported in one of the following categories: \$0; \$1 to \$49,999; \$50,000 to \$99,999; \$100,000 to \$249,999; \$250,000 to \$499,999; \$500,000 to \$999,999; \$1 million or more.

(b) For each principal represented by one or more of the firm's lobbyists, the lobbying firm's compensation report shall also include the:

- 1. Full name, business address, and telephone number of the principal; and
- 2. Total compensation provided or owed to the lobbying firm for the reporting period, reported in one of the following categories: \$0; \$1 to \$9,999; \$10,000 to \$19,999; \$20,000 to \$29,999; \$30,000 to \$39,999; \$40,000 to \$49,999; or \$50,000 or more. If the category "\$50,000 or more" is selected, the specific dollar amount of compensation must be reported, rounded up or down to the nearest \$1,000.

(c) If the lobbying firm subcontracts work from another lobbying firm and not from the original principal:

- 1. The lobbying firm providing the work to be subcontracted shall be treated as the reporting lobbying firm's principal for reporting purposes under this paragraph; and

2. The reporting lobbying firm shall, for each lobbying firm identified as the reporting lobbying firm's principal under paragraph (b), identify the name and address of the principal originating the lobbying work.

(d) The senior partner, officer, or owner of the lobbying firm shall certify to the veracity and completeness of the information submitted pursuant to this Rule 1.4, and certify that no compensation has been omitted from this report by deeming such compensation as "consulting services," "media services," "professional services," or anything other than compensation, and certify that no officer or employee of the firm has made an expenditure in violation of section 11.045, Florida Statutes, as amended by chapter 2005-359, Laws of Florida.

(2) For each principal represented by more than one lobbying firm, the division shall aggregate the reporting-period and calendar-year compensation reported as provided or owed by the principal. Compensation reported within a category shall be aggregated as the arithmetic mean of the category.

(3) The reporting statements shall be filed no later than 45 days after the end of each reporting period. The four reporting periods are from January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31, respectively. The statements shall be rendered in the identical form provided by the respective houses and shall be open to public inspection. Reporting statements may be filed by electronic means, when feasible.

(4) Reports shall be filed no later than 5 p.m. of the report due date. However, any report that is postmarked by the United States Postal Service no later than midnight of the due date shall be deemed to have been filed in a timely manner, and a certificate of mailing obtained from and dated by the United States Postal Service at the time of the mailing, or a receipt from an established courier company that bears a date on or before the due date, shall be proof of mailing in a timely manner.

1.5—Failure to File Timely Compensation Report; Notice and Assessment of Fines; Appeals

(1) Upon determining that the report is late, the person designated to review the timeliness of reports shall immediately notify the lobbying firm as to the failure to timely file the report and that a fine is being assessed for each late day. The fine shall be \$50 per day per report for each late day, not to exceed \$5,000 per report.

(2) Upon receipt of the report, the person designated to review the timeliness of reports shall determine the amount of the fine due based upon the earliest of the following:

- (a) When a report is actually received by the division.
- (b) When the report is postmarked.
- (c) When the certificate of mailing is dated.
- (d) When the receipt from an established courier company is dated.

(3) Such fine shall be paid within 30 days after the notice of payment due is transmitted by the person designated to review the timeliness of reports, unless appeal is made to the division. The moneys shall be deposited into the Legislative Lobbyist Registration Trust Fund.

(4) A fine shall not be assessed against a lobbying firm the first time the report for which the lobbying firm is responsible is not timely filed. However, to receive the one-time fine waiver, the report for which the lobbying firm is responsible must be filed within 30 days after notice that the report has not been timely filed is transmitted by the person designated to review the timeliness of reports. A fine shall be assessed for any subsequent late-filed reports.

(5) Any lobbying firm may appeal or dispute a fine, based upon unusual circumstances surrounding the failure to file on the designated due date, and may request and shall be entitled to a hearing before the General Counsel of the Office of Legislative Services, who shall recommend to the President of the Senate and the Speaker of the House of Representatives, or their respective designees, that the fine be waived in whole or in part for good cause shown. The President of the Senate and the Speaker of the House of Representatives, or their respective designees, may by joint agreement concur in the recommendation and waive the fine in whole or in part. Any such request shall be made within 30 days after the notice of payment due is transmitted by the person designated to review the timeliness of reports. In such case,

the lobbying firm shall, within the 30-day period, notify the person designated to review the timeliness of reports in writing of his or her intention to request a hearing.

(6) A lobbying firm may request that the filing of a report be waived upon good cause shown, based on unusual circumstances. The request must be filed with the General Counsel of the Office of Legislative Services, who shall make a recommendation concerning the waiver request to the President of the Senate and the Speaker of the House of Representatives. The President of the Senate and the Speaker of the House of Representatives may, by joint agreement, grant or deny the request.

(7)(a) All lobbyist registrations for lobbyists who are partners, owners, officers, or employees of a lobbying firm that fails to timely pay a fine are automatically suspended until the fine is paid or waived, and the division shall promptly notify all affected principals and the President of the Senate and the Speaker of the House of Representatives of any suspension or reinstatement. All lobbyists who are partners, owners, officers, or employees of a lobbying firm are jointly and severally liable for any outstanding fine owed by a lobbying firm.

(b) No such lobbyist may be reinstated in any capacity representing any principal until the fine is paid or until the fine is waived as to that lobbyist. A suspended lobbyist may request a waiver upon good cause shown, based on unusual circumstances. The request must be filed with the General Counsel of the Office of Legislative Services who shall, as soon as practicable, make a recommendation concerning the waiver request to the President of the Senate and the Speaker of the House of Representatives. The President of the Senate and the Speaker of the House of Representatives may, by joint agreement, grant or deny the request.

(8) The person designated to review the timeliness of reports shall notify the director of the division of the failure of a lobbying firm to file a report after notice or of the failure of a lobbying firm to pay the fine imposed.

1.6—Open Records

All of the lobbyist registration and compensation reports received by the Lobbyist Registration Office shall be available for public inspection and for duplication at reasonable cost.

1.7—Records Retention and Inspection and Complaint Procedure

(1) Each lobbying firm and each principal shall preserve for a period of 4 years all accounts, bills, receipts, computer records, books, papers, and other documents and records necessary to substantiate compensation reports.

(2) Upon receipt of a complaint based upon the personal knowledge of the complainant made pursuant to the Senate Rules or Rules of the House of Representatives, any such documents and records may be inspected when authorized by the President of the Senate or the Speaker of the House of Representatives, as applicable. The person authorized to perform the inspection shall be designated in writing and shall be a member of The Florida Bar or a certified public accountant licensed in Florida. Any information obtained by such an inspection may only be used for purposes authorized by law, this Joint Rule One, Senate Rules, or Rules of the House of Representatives, which purposes may include the imposition of sanctions against a person subject to this rule or Senate Rules or the Rules of the House of Representatives. Any employee who uses that information for an unauthorized purpose is subject to discipline. Any member who uses that information for an unauthorized purpose is subject to discipline under the applicable rules of each house.

(3) The right of inspection may be enforced by appropriate writ issued by any court of competent jurisdiction.

1.8—Questions Regarding Interpretation of this Joint Rule One

(1) A person may request in writing an informal opinion from the General Counsel of the Office of Legislative Services as to the application of this Joint Rule One to a specific situation. The General Counsel shall issue the opinion within 10 days after receiving the request. The informal opinion may be relied upon by the person who requested the informal opinion. A copy of each informal opinion that is issued shall be provided to the presiding officer of

each house. A committee of either house designated pursuant to section 11.045(5), Florida Statutes, may revise any informal opinion rendered by the General Counsel through an advisory opinion to the person who requested the informal opinion. The advisory opinion shall supersede the informal opinion as of the date the advisory opinion is issued.

(2) Persons in doubt about the applicability or interpretation of this Joint Rule One may submit in writing the facts for an advisory opinion to the committee of either house designated pursuant to section 11.045(5), Florida Statutes, and may appear in person before the committee in accordance with section 11.045(5), Florida Statutes.

1.9—Effect of Former Joint Rule One

Every fine and penalty finally due and owing on or before December 31, 2005, under the Rules of the Senate or the House of Representatives or under former Joint Rules 1.1-1.9, with no appeal pending under such rules, is hereby ratified and preserved and shall be collected as previously finally determined. Every other obligation under former Joint Rule One, rescinded upon adoption of this Joint Rule One, is hereby waived and abolished. The obligations under Joint Rules 1.1, 1.2, and 1.3 are to be enforced retroactively to January 1, 2006, provided that substantial compliance with the provisions of former Joint Rules 1.1, 1.2, and 1.3 on or before the effective date of this Joint Rule One shall be deemed to be in compliance with any retroactive requirements of this Joint Rule One.

Joint Rule Two

General Appropriations Review Period

2.1—General Appropriations Bill; Review Period

(1) A general appropriations bill shall be subject to a 72-hour public review period before a vote is taken on final passage of the bill in the form that will be presented to the Governor.

(2) If a bill is returned to the house in which the bill originated and the originating house does not concur in all the amendments or adds additional amendments, no further action shall be taken on the bill by the nonoriginating house, and a conference committee shall be established by operation of this rule to consider the bill.

(3) If a bill is referred to a conference committee by operation of this rule, a 72-hour public review period shall be provided prior to a vote being taken on the conference committee report by either house.

(4) A copy of the bill, a copy of the bill with amendments adopted by the nonoriginating house, or the conference committee report shall be furnished to each member of the Legislature, the Governor, the Chief Justice of the Supreme Court, and each member of the Cabinet. Copies for the Governor, Chief Justice, and members of the Cabinet shall be furnished to the official's office in the Capitol or Supreme Court Building. A member's copy shall be furnished to the member's desk in the appropriate chamber. The Secretary of the Senate shall be responsible for furnishing copies under this rule for Senate bills, House bills as amended by the Senate, and conference committee reports on Senate bills. The Clerk of the House shall be responsible for furnishing copies under this rule for House bills, Senate bills as amended by the House, and conference committee reports on House bills.

(5) The 72-hour public review period shall begin to run upon completion of the furnishing of copies required to be provided herein. The Speaker of the House and the President of the Senate, as appropriate, shall be informed of the completion time and such time shall be announced on the floor prior to vote on final passage in each house and shall be entered in the journal of each house. Saturdays, Sundays, and holidays shall be included in the computation under this rule.

2.2—General Appropriations Bill; Definition

For the purposes of Joint Rule 2, the term "general appropriations bill" means a bill which provides for the salaries of public officers and other current expenses of the state and contains no subject other than appropriations. A

bill which contains appropriations which are incidental and necessary solely to implement a substantive law is not included within this term.

Joint Rule Three

Legislative Support Services

3.1—Organizational Structure

The Legislature shall be supported by the Office of Legislative Services, the Office of Legislative Information Technology Services, and the Office of Economic and Demographic Research. These offices shall provide support services that are determined by the President of the Senate and the Speaker of the House of Representatives to be necessary and that can be effectively provided jointly to both houses and other units of the Legislature. Each office shall be directed by a coordinator selected by the President of the Senate and the Speaker of the House of Representatives.

(1) The Office of Legislative Services shall provide legislative support services other than those prescribed in subsections (2) and (3). The Division of Statutory Revision and the Division of Legislative Information shall be two of the divisions within the Office of Legislative Services.

(2) The Office of Legislative Information Technology Services shall provide support services to assist the Legislature in achieving its objectives through the application of cost-effective information technology.

(3) The Office of Economic and Demographic Research shall provide research support services, principally regarding forecasting economic and social trends that affect policymaking, revenues, and appropriations.

3.2—Policies

The President of the Senate and the Speaker of the House of Representatives shall jointly adopt policies they consider advisable to carry out the functions of the Legislature.

Joint Rule Four

Joint Legislative Auditing Committee

4.1—Responsibilities

(1) On or before December 31 of the year following each decennial census, the Legislative Auditing Committee shall review the performance of the Auditor General and shall submit a report to the Legislature which recommends whether the Auditor General should continue to serve in office.

(2) The expenses of the members of the committee shall be approved by the chair of the committee and paid from the appropriation for legislative expense.

(3) The committee shall submit to the President of the Senate and the Speaker of the House of Representatives, for approval, an estimate of the financial needs of the committee, the Auditor General, the Office of Program Policy Analysis and Government Accountability, and the Public Counsel.

(4) The committee and the units it oversees, including the Auditor General, the Office of Program Policy Analysis and Government Accountability, and the Public Counsel, shall submit their budget requests and operating budgets to the President of the Senate and the Speaker of the House of Representatives for prior written approval by the presiding officers acting together.

(5) The committee may receive requests for audits and reviews from legislators. Staff of the committee shall review each request and make a recommendation to the committee concerning its disposition. The manner of disposition recommended may be:

- (a) Assignment to the Auditor General for inclusion in a regularly scheduled agency audit;
- (b) Assignment to the Auditor General for special audit or review;
- (c) Assignment to the Office of Program Policy Analysis and Government Accountability for inclusion in a regularly scheduled performance audit;

(d) Assignment to the Office of Program Policy Analysis and Government Accountability for special audit or review;

(e) Assignment to committee staff; or

(f) Rejection as being an unnecessary or inappropriate application of legislative resources.

(6) The committee may at any time, without regard to whether the Legislature is in session, take under investigation any matter within the scope of an audit either completed or then being conducted by the Auditor General or the Office of Program Policy Analysis and Government Accountability, and in connection with such investigation may exercise the powers of subpoena by law vested in a standing committee of the Legislature.

(7) The committee shall review the performance of the director of the Office of Program Policy Analysis and Government Accountability every 4 years and shall submit a report to the Legislature recommending whether the director should be reappointed. A vacancy in the office must be filled in the same manner as the original appointment.

Joint Rule Five

Auditor General

5.1—Rulemaking Authority

The Auditor General shall make and enforce reasonable rules and regulations necessary to facilitate audits that he or she is authorized to perform.

5.2—Budget and Accounting

(1) The Auditor General shall prepare and submit annually to the President of the Senate and the Speaker of the House of Representatives for their joint approval a proposed budget for the ensuing fiscal year.

(2) Within the limitations of the approved operating budget, the salaries and expenses of the Auditor General and the staff of the Auditor General shall be paid from the appropriation for legislative expense or any other moneys appropriated by the Legislature for that purpose. The Auditor General shall approve all bills for salaries and expenses for his or her staff before the same shall be paid.

5.3—Audit Report Distribution

(1) A copy of each audit report shall be submitted to the Governor, to the Comptroller, and to the officer or person in charge of the state agency or political subdivision audited. One copy shall be filed as a permanent public record in the office of the Auditor General. In the case of county reports, one copy of the report of each county office, school district, or other district audited shall be submitted to the board of county commissioners of the county in which the audit was made and shall be filed in the office of the clerk of the circuit court of that county as a public record. When an audit is made of the records of the district school board, a copy of the audit report shall also be filed with the district school board, and thereupon such report shall become a part of the public records of such board.

(2) A copy of each audit report shall be made available to each member of the Legislative Auditing Committee.

(3) The Auditor General shall transmit a copy of each audit report to the appropriate substantive and fiscal committees of the Senate and House of Representatives.

(4) Other copies may be furnished to other persons who, in the opinion of the Auditor General, are directly interested in the audit or who have a duty to perform in connection therewith.

(5) The Auditor General shall transmit to the President of the Senate and the Speaker of the House of Representatives, by December 1 of each year, a list of statutory and fiscal changes recommended by audit reports. The recommendations shall be presented in two categories: one addressing substantive law and policy issues and the other addressing budget issues. The Auditor General may also transmit recommendations at other times of the year when the information would be timely and useful for the Legislature.

Joint Rule Six

Office of Program Policy Analysis and Government Accountability

6.1—Responsibilities of the Director

(1) The director may adopt and enforce reasonable rules necessary to facilitate the studies, reviews, and reports that the office is authorized to perform.

(2) The director shall prepare and submit annually to the President of the Senate and the Speaker of the House of Representatives for their joint approval the annual projected work plan of the office in conjunction with a proposed operating budget for the ensuing fiscal year.

(3) Within the monetary limitations of the approved operating budget, the salaries and expenses of the director and the staff of the Office of Program Policy Analysis and Government Accountability shall be paid from the appropriation for legislative expense or any other moneys appropriated by the Legislature for that purpose. The director shall approve all bills for salaries and expenses before the same shall be paid.

(4) Within the monetary limitations of the approved operating budget, the director shall make all spending decisions, including entering into contracts on behalf of the Office of Program Policy Analysis and Government Accountability.

(5) The director shall transmit to the President of the Senate and the Speaker of the House of Representatives, by December 1 of each year, a list of statutory and fiscal changes recommended by office reports. The recommendations shall be presented in two categories: one addressing substantive law and policy issues and the other addressing budget issues. The director may also transmit recommendations at other times of the year when the information would be timely and useful for the Legislature.

Joint Rule Seven

Joint Legislative Budget Commission

7.1—General Responsibilities

(1) The commission, as provided in chapter 216, Florida Statutes, shall receive and review notices of budget and personnel actions and proposed actions taken or to be taken by the executive and judicial branches and shall approve or disapprove such actions.

(2) Through the chairman, the commission shall advise the Governor and the Chief Justice of actions or proposed actions that exceed delegated authority or that are contrary to legislative policy and intent.

(3) To the extent possible, the commission shall inform members of the Legislature of budget amendments requested by the executive or judicial branches.

(4) The commission shall consult with the Comptroller and the Executive Office of the Governor on matters as required by chapter 216, Florida Statutes.

(5) The President of the Senate and the Speaker of the House of Representatives may jointly assign other responsibilities to the commission in addition to those assigned by law.

(6) The commission shall develop policies and procedures necessary to carry out its assigned responsibilities.

(7) The commission, with the approval of the President of the Senate and the Speaker of the House of Representatives, may appoint subcommittees as necessary to facilitate its work.

7.2—Zero-based Budgeting

(1) The commission shall develop a schedule and apply zero-based budgeting principles in reviewing the budget of each state agency at least once every 8 years.

(2) By July 1 of each year, the commission shall issue instructions to the agencies whose budgets are to be reviewed prior to the next legislative session.

(3) The commission shall provide these reviews to the President of the Senate and the Speaker of the House of Representatives by December 31 of the year in which they are completed.

(4) By February 1, 2001, the commission shall provide to the President of the Senate and the Speaker of the House of Representatives a schedule for completing zero-based budgeting reviews of all state agencies prior to December 31, 2008.

7.3—Organizational Structure

(1) The commission shall be composed of seven members of the Senate appointed by the President of the Senate and seven members of the House of Representatives appointed by the Speaker of the House of Representatives. The appointees shall include the chairman of the Fiscal Responsibility Council in the House of Representatives and the chairman of the Committee on Appropriations in the Senate.

(2) The members of the commission shall elect a chairman and a vice chairman. In even-numbered years, a Senator shall be chairman and a House member vice chairman. In odd-numbered years, a House member shall be chairman and a Senator vice chairman.

(3) The commission shall meet at least quarterly and more frequently at the direction of the presiding officers or the chairman. Meetings may be conducted through teleconferences or other electronic means.

(4) A quorum shall consist of a majority of the commission members of each house plus one additional member of the commission.

(5) Action by the commission shall require a majority vote of the members present of each house.

(6) The commission shall be jointly staffed by the appropriations committees of both houses. During even-numbered years, the Senate shall provide the lead staff. During odd-numbered years, the House of Representatives shall provide the lead staff.

7.4—Notice of Commission Meetings

Not less than 7 days prior to a meeting of the commission, a notice of the meeting, stating the items to be considered, date, time, and place, shall be filed with the Secretary of the Senate when the chairman is a Senator or with the Clerk of the House of Representatives when the chairman is a Representative. The Secretary or the Clerk shall distribute notice to the Legislature and the public, consistent with the rules and policies of their respective houses.

Joint Rule Eight

Continuing Existence of Joint Rules

8.1—Continuing Existence of Joint Rules

All joint rules adopted by concurrent resolution, and amendments thereto, shall continue in effect from session to session or Legislature to Legislature until repealed by concurrent resolution.